

SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION

1731 Howe Avenue #611, Sacramento, California 95825



March 12, 2024

Minutes of the 94th Meeting of the
Southwestern Low-Level Radioactive Waste Commission

The 94th meeting of the Southwestern Low-Level Radioactive Waste Commission was called to order by Chair Donna Earley at 1530 hrs. MST on Tuesday, March 12th, 2024 in Salon 1/2 at the Renaissance Phoenix Downtown Hotel, 100 N. 1st Street, Phoenix, AZ 85004.

Chair Earley asked for a voice roll call to determine a quorum. Members participating: Chair Earley, California, Vice Chair Goretzki, Arizona, Commissioner Peter Brierty, California, Commissioner Nick Emme, South Dakota & Commissioner Dale Patrick, North Dakota. Staff participating: Peter Baldrige, Counsel, and Ron Gaynor, Executive Director. A quorum was present. No members of the public were present.

Legal Counsel read the statement regarding due notice of the meeting. It was confirmed that the posting of the agenda was on February 20, 2024, which met all the requirements of the Bagley-Keene Open Meeting Act.

Commission Chair Report

Chair Earley reported that she and the Executive Director had been communicating with the California Governor's appointments office about filling the vacancies on the Commission.

Executive Director Report

Executive Director Ron Gaynor reported on his activities since the last Commission meeting in October. These included the following:

Conferences Attended

- **Energy Solutions Annual Conference**
- **Waste Management 24 Symposium**

Other Activities

- **LLW Forum Board of Directors teleconferences**
- **LLW Forum agenda planning committee teleconferences**
- **Virtual attendance at meetings of the Texas-Vermont Compact Commission**
- **Planned and conducted generators' workshop in Phoenix**
- **Processed 99 export petitions from September through January**
- **Archiving old records**

Planned Activities for 2024

- **LLW Forum Spring Conference in Orlando, April 3-4**

- **Contact with Governor of CA regarding Commission vacancies**
- **Arrange Commission tour of Finland disposal facilities**
- **CRCPD conference May 20-23, Jacksonville**
- **RadWaste Summit June 3-5, Louisville**
- **LLW Forum Fall Meeting, October 9-10, Reno**
- **Other conferences as appropriate**

Party States Report

Commissioner Emme reported that there are 32 NRC licensees in South Dakota, since they are not an Agreement State. Legislation passed (HB #1071) that updated existing language in state statute for the Governor to negotiate with the NRC on Agreement State status. No progress on this to date. A study was conducted to determine the desirability of encouraging the development of nuclear power within the state. It appears that there is one company interested in developing a Small Modular Reactor (SMR) for power production. They are currently monitoring the NRC's development of pertinent licensing regulations.

Vice Chair Goretzki reported that Arizona has 338 materials licensees. There is interest in the development of SMR's and the future of fusion reactors for power generation.

Commissioner Patrick reported that North Dakota has a total of 145 specific licensees, including 71 TENORM licensees (which are treated the same in North Dakota), 4 tracer materials and 2 broad scope licensees. There are 8 new TENORM licenses in process. Regulations are current with NRC requirements. Four sources were recently shipped for disposal. There is one TENORM landfill approved in North Dakota pending establishment of baseline environmental data. There is a second TENORM landfill application, which is currently on hold.

Export Actions

Commissioner Emme noted that the Export Committee had reviewed all 99 petition approvals since the last meeting and had found no problems.

Ratification of Approved Petitions E-23-091 through E-23-111; E-24-001 through E-24-029; WCS-23-054 through WCS-23-068; and WCS-24-001 through WCS-24-025

Commissioner Patrick made a motion to ratify all petition approvals listed above that were issued from September 2023 through January 2024. Vice Chair Goretzki seconded the motion. Motion passed unanimously by roll call vote.

Update on invoices related to Alaron shipments

Mr. Gaynor updated the Commissioners on the situation where Alaron had been sending waste to the WCS facility, claiming themselves as the generator, when the actual generator was someone else. In the Spring 2023 Commission meeting, the Commissioners voted to invoice the actual generators that are located in the Southwestern Compact Region for export petition fees that were in effect at the time of shipment. Mr. Gaynor reported that thirty-nine invoices had been issued. Some of the generators were able to produce documentation that they had actually paid their fees and received export approval. Some have paid the invoices, and some are no longer in business. As of this time, there are 19 outstanding invoices.

Mr. Gaynor stated that he will continue to monitor the others, and expects that there will be new export petitions from some of them in the coming year. This should provide an opportunity for resolution of many of the outstanding invoices.

Commissioners Patrick and Goretzki requested that Mr. Gaynor send them copies of the outstanding invoices from their respective states.

Chair Early suggested that Mr. Gaynor should notify Alaron of the outstanding invoices and request their assistance in collecting the fees.

Fiscal Year 2023-24 budget review

Mr. Gaynor presented the following Budget Comparison through January 31, 2024. He pointed out that, overall, we are well within budget. Also, the actual income will end up being well above the projected amount, due to the large volumes being shipped by Energy Solutions from the SONGS decommissioning.

BUDGET COMPARISON

January 31, 2024

	APPROVED	ACTUAL YTD	PERCENTAGE
INCOME			
Interest	30,000	10,532	35.1%
Exportation Fees	300,000	244,196	81.4%
Workshop	10,000	15,223	152.2%
Refund/Overcharge	0	0	0.0%
TOTAL INCOME	<hr/> \$340,000	<hr/> 269,951	79.4%
EXPENSES			
Contractor Fees	200,000	102,074	51.0%
Travel (Staff & Commissioners)	52,000	14,357	27.6%
Telephone & Internet	1,700	420	24.7%
Electronic (website, support, security)	3,500	1,440	41.1%
Postage and mail services	2,050	1,178	57.5%
Auditing Service	6,000	5,125	85.4%
Professional services (P/T office help)	3,000	0	0.0%
Bond	400	326	81.5%
Office Expense	600	647	107.8%
Meeting Expenses	4,700	1,200	25.5%
Dues & Subscriptions	10,200	11,231	110.1%
Insurance	16,000	19,175	119.8%
Workshop Expense	10,000	15,151	151.5%
Misc. (printing, bank charges, legal education)	500	380	76.0%
Rebates	0	0	0.0%
Conference Registration Fees	7,000	4,190	59.9%

TOTAL EXPENSES	\$317,650	176,894	55.7%
NET INCOME	\$22,350	93,057	416.4%

Fiscal Year 2024-25 budget

Based on the current fiscal year review, Mr. Gaynor proposed minor adjustments to the Fiscal Year 2024-25 Budget as shown below. After discussion, **Vice Chair Goretzki made a motion to accept the proposed amended FY 2024-25 Budget. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

PROPOSED AMENDED BUDGET FISCAL YEAR 2024-25

	APPROVED	PROPOSED
INCOME		
Interest	30,000	30,000
Exportation Fees	300,000	320,000
Workshop	10,000	16,000
Refund/Overcharge	0	0
TOTAL INCOME	\$340,000	\$366,000
EXPENSES		
Contractor Fees	215,000	215,000
Travel (Staff & Commissioners)	55,000	55,000
Telephone & Internet	1,800	1,800
Electronic (website, support, security)	3,500	3,500
Postage and mail services	2,200	2,200
Auditing Service	6,500	6,500
Professional services (P/T office help)	3,000	3,000
Bond	450	450
Office Expense	650	750
Meeting Expenses	4,800	4,800
Dues & Subscriptions	10,700	12,000
Insurance	17,000	20,000
Workshop Expense	10,000	16,000

Misc. (printing, bank charges, legal education)	600	600
Rebates	0	0
Conference Registration Fees	7,000	7,000
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TOTAL EXPENSES	\$338,200	\$348,600
NET INCOME	\$1,800	\$17,400

Plans for local field trip March 13, 2024

Vice Chair Goretzki outlined the plan to visit the Mayo Clinic to inspect their proton beam therapy facility and their cyclotron.

Plans for Commission tour of Finland disposal facilities

Mr. Gaynor reported that he had not yet followed up with the Finland contacts, since they had said that one of their facilities that the commissioners would like to see would not be available for touring until this Spring. He also mentioned that the tour costs 15,000 Euros for up to 25-30 people. Mr. Gaynor asked if it was the Commission's desire for him to investigate the details and determine a possible schedule for the tour.

Commissioner Patrick raised a question about the purpose of the tour and expressed concerns about the cost and advisability of international travel. He also questioned the appropriateness and prudence of exploring other technologies that are not addressed by U.S. regulatory agencies. Commissioner Emme expressed his agreement about the concern for the cost of the trip.

Mr. Gaynor pointed out that the Southwestern Low-Level Radioactive Waste Disposal Compact Consent Act, ARTICLE III.(g) requires the Commission to do the following:

“(9) . . . The Commission shall include in the annual report a review of, and recommendations for, low-level radioactive waste disposal methods which are alternative technologies to the shallow land burial of low-level radioactive waste. (10) The Commission shall assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.”

The Finland disposal facility is the latest, and perhaps the only, licensed low-level radioactive waste facility that appears to be an alternative to shallow land burial in the world. Preliminary information indicates that disposal is conducted in bedrock at a depth of 100 meters.

After discussion, **Commissioner Patrick made a motion to table the discussion to a future meeting. Motion was seconded by Commissioner Emme. Chair Earley called for a roll call vote on the motion. The commissioners voted as follows:**

**Commissioner Patrick – Aye
Commissioner Emme – Aye
Commissioner Brierty – No
Vice Chair Goretzki – No
Chair Early – No**

The motion failed.

Chair Earley directed Mr. Gaynor to explore the details of a possible tour of the Finland disposal facilities and to report back to the commissioners as soon as practicable.

Public Comment

No comment was offered by the public.

Future Agenda Items

- Vice Chair Goretzki suggested information or site visits related to new technologies such as SMRs and fusion, and their related waste streams.

Next Meetings and Locations

After discussion, the commissioners agreed on the following meeting plans:

- Fall Commission meeting in Reno, NV on October 10, 2024, following attendance at the Low-Level Waste Forum meeting October 9-10, 2024.
- Spring Commission meeting in Midland/Odessa, TX on April 10, 2025, following attendance at the Low-Level Waste Forum meeting April 9-10, 2025. (Tentative. To be confirmed at the next meeting.)
- Tour of the Waste Control Specialists disposal facility in Andrews County, Texas on April 8, 2025, in conjunction with the following LLWF meeting.

The meeting was adjourned at 1629 hrs.

Chair Earley DocuSigned by:
Donna Earley
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