

SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION  
ANNUAL REPORT FOR FISCAL YEAR 2023-2024

(July 1, 2023 to June 30, 2024)



“The Commission shall submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report submitted on or before January 15 of each year . . .” (P.L. No. 100-712, 102 Stat. 4773.)

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# ANNUAL REPORT FOR FISCAL YEAR 2023-2024

(July 1, 2023-June 30, 2024)

Honorable Governors and legislative leaders of the Southwestern Compact Party States:

As required in Article III. Section (g)(9) of the SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT, PUBLIC LAW 100-712 [H.R. 5232]; November 23, 1988, we are pleased to submit the 2023-2024 Annual Report of the Southwestern Low-Level Radioactive Waste Commission.

The Southwestern Low-Level Radioactive Waste Commission (the Commission), established under Public Law 100-712, is the governing body for the Southwestern Low-Level Radioactive Waste Disposal Compact among Arizona, California, North Dakota, and South Dakota. California, as host state, is required to develop a regional disposal facility. A regional disposal facility has not yet been developed, so the Commission's key duties include controlling the exportation of low-level radioactive waste out of the region, and tracking the generation and ultimate disposal of low-level radioactive wastes. As required by the Compact Consent Act, **“The Commission shall do, pursuant to the authority granted by this compact, whatever is reasonably necessary to ensure that low-level radioactive wastes are safely disposed of and managed within the region.”**

## SUMMARY OF FISCAL YEAR ACTIVITIES

In this fiscal year there were 2,200 organizations licensed by the Southwestern Compact States and the U.S. Nuclear Regulatory Commission to use radioactive materials (1,666 in California, 358 in Arizona, 142 in North Dakota, and 34 in South Dakota) within the Southwestern Compact Region. Radioactive materials licensees include nuclear power plants, hospitals and other medical facilities, universities and commercial research facilities, construction, manufacturing, mining, energy development and government agencies.

Not all radioactive materials licensees generate low-level radioactive wastes, however, those that do can only safely store so much for so long. Tens of thousands of cubic feet of low-level radioactive wastes are in storage at any one time in hundreds of locations in our Southwestern Compact region. Eventually, these wastes must be sent to safe, secure and regulated disposal facilities.

### Export Petitions

Since there is no disposal facility available within the Southwestern Compact, the Commission works closely with other states and regional compacts across the country to authorize export to disposal facilities that are willing to accept low-level radioactive wastes from our Compact region.

In Fiscal year 2023-24, the Commission authorized 189 export petitions allowing low-level radioactive wastes to be exported for disposal at licensed facilities in Utah and Texas. Working with these host state regulators, their regional compact commissions, the U.S. Department of Energy (DOE) and the disposal site operators, the Commission has tracked the wastes shipped under these authorizations to verify disposal at the intended facilities. **In the last ten years, according to U.S. DOE records, over 2,600,000 cubic feet of low-level radioactive wastes were shipped from over 700 different generators in our Compact Region for disposal outside the region.**

## **National Collaboration**

The Commission continues to work closely with the other nine regional compacts, through the Low-Level Radioactive Waste Forum (partially funded by the U.S. DOE) to maintain access to these disposal facilities for the Southwestern Compact low-level radioactive waste generators. This is important for the continuation of the technological benefits that citizens of our region enjoy in our economy, healthcare and infrastructure. Access to these facilities is also essential for the continued support of the ongoing and planned decommissioning activities for California's remaining nuclear power generating facilities.

## **National Security and Public Safety**

Additionally, the Commission has continued to work with the other regional compacts, the U.S. Department of Energy (DOE) National Nuclear Security Administration/Global Threat Reduction Initiative (NNSA/GTRI) and the U.S. Nuclear Regulatory Commission to address the issue of "Disused Sealed Sources". Sealed radioactive materials (sources) are commonly used in medicine, industry, research and education. There are approximately 2 million sealed sources and tens of thousands of **disused** sealed sources being held in storage in the U.S. According to the U.S. Government Accountability Office, an average of 250 sealed sources are lost or stolen every year. Some of these disused sealed sources represent potential threats to public safety and/or national security if they are not recycled or properly disposed of in a timely manner. The Commission, working in concert with the Disused Sealed Sources Working Group, is promoting the proper management and ultimate secure disposal of these radioactive materials.

## **STATUS OF THE COMMISSION**

At the close of the fiscal year, there were five vacancies on the Commission: three commissioners for California, one commissioner for South Dakota, and one alternate for Arizona. In accordance with Public Law 100-712, the Governors of these respective states are to make appointments to fill these vacancies.

# HIGHLIGHTS OF FISCAL YEAR 2023-2024 (July 1, 2023-June 30, 2024) ACTIVITIES

## I. STATUS OF THE REGIONAL DISPOSAL FACILITY

### A. FISCAL YEAR 2022-2023 HOST STATE REPORT

The State of California provided the following report:

*The Radiologic Health Branch has 1666 active radioactive materials licenses as of October 1, 2023.*

*There have been no inquiries regarding, or interest expressed in, development of a low-level radioactive waste disposal facility in California at this time.*

### B. FISCAL YEAR 2022-2023 LICENSE DESIGNEE REPORT

US Ecology, Inc. provided the following report:

*“US Ecology is not presently undertaking efforts to develop a regional disposal facility for the Southwestern Compact region.”*

## II. COMPACT COMMISSION

### A. COMMISSION MEETINGS

See attached minutes from the 93<sup>rd</sup> and 94<sup>th</sup> Commission meetings.

### B. COMMISSION MEMBERSHIP STATUS

Arizona, North Dakota, and South Dakota are each authorized one Commission member and one alternate. California, as the host state, is authorized four Commission members and one alternate. Having four California members is important because it permits the host state members to comprise at least 51 percent of the membership on the Commission, as authorized by the Southwestern Low-Level Radioactive Waste Disposal Compact Consent Act.

At the close of the fiscal year, there were five vacancies on the Commission: three commissioners for California, one commissioner for South Dakota, and one alternate for Arizona. In accordance with Public Law 100-712, the Governors of these respective states are to make appointments to fill these vacancies.

### C. PROJECTIONS OF THE REGIONAL DISPOSAL FACILITY’S ANTICIPATED FUTURE CAPACITY

The projections of the facility’s anticipated future capacity is unknown since no facility exists or is being planned. Current California law prohibits the licensed Ward Valley radioactive waste disposal site from serving as California’s facility for purposes of the Southwestern Low-Level Radioactive Waste Disposal Compact and prohibits disposing of low-level radioactive waste using shallow land burial. New requirements for a low-level radioactive waste disposal facility have yet to be developed by the California Department of Public Health.

#### **D. DONATIONS, GRANTS AND OTHER RESOURCES ACCEPTED**

No donations, grants or other resources were accepted during FY 2023-2024.

#### **E. RECOMMENDATIONS: ALTERNATIVE TECHNOLOGIES**

California, as host state, is responsible for selecting the low-level radioactive waste disposal technology. Current California law prohibits the disposal of low-level radioactive waste in shallow land burial, i.e., disposal of low-level radioactive waste in or within the upper 30 meters of the earth's surface. The law specifies the use of multiple, engineered barriers to provide for the retention of the radioactive waste within the engineered barriers to last not less than 500 years, using best available technology. No further recommendations have been made for alternative technologies.

## **ATTACHMENTS**

- I. Minutes of the 93<sup>rd</sup> Meeting of the Southwestern Low-Level Radioactive Waste Commission
- II. Minutes of the 94<sup>th</sup> Meeting of the Southwestern Low-Level Radioactive Waste Commission
- III. FINANCIAL AUDIT REPORT: FY 2023-24 (Under separate cover)
- IV. Budget for FY 2024-25
- V. COMMISSION MEMBERSHIP

A list of Commission members, alternates, and staff is attached.

**ATTACHMENT I-** Minutes of the 93<sup>rd</sup> Meeting of the Southwestern Low-Level Radioactive Waste Commission





October 4, 2023

## Minutes of the 93rd Meeting of the Southwestern Low-Level Radioactive Waste Commission

The 93rd meeting of the Southwestern Low-Level Radioactive Waste Commission was called to order by Chair Donna Earley at 1417 hrs. MDT on Wednesday, October 4<sup>th</sup>, 2023 in the Deer Valley Room at the Salt Lake Marriott Downtown at City Creek, 75 Southwest Temple, Salt Lake City, UT 84101.

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. Chair Earley recognized Mr. Vern Rogers, Vice President of Energy Solutions, LLC, also in attendance. Mr. Rogers noted that Energy Solutions is a waste generator within the Compact and expressed his appreciation for the Commission's support. Chair Early also recognized Mr. Dan Shrum, Executive Director of the Low-Level Radioactive Waste Forum. Mr. Shrum expressed his appreciation for the Commission's support of the just-ended Forum conference.

Legal Counsel read the statement regarding due notice of the meeting. It was confirmed that the posting of the agenda was on September 18, 2023 which met all the requirements of the Bagley-Keene Open Meeting Act.

### Commission Chair Report

Chair Earley had nothing to report.

### Executive Director Report

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

#### **Conferences Attended**

- **Exchange Monitor Radwaste Summit, June 6-8, Las Vegas, NV**

#### **Other Activities**

- **LLW Forum Board of Directors teleconferences**
- **LLW Forum agenda planning committee teleconferences**
- **Virtual attendance at meetings of the Texas-Vermont Compact Commission**
- **Organized Commission tours of WIPP and Urenco**
- **Presentation to CDPH RHB training session**
- **Planned and conducted generators' workshops in Burlingame and Santa Ana, CA**
- **Processed 86 export petitions from March through August**

## Planned Activities for 2023

- **Arrange generators workshop in Phoenix in conjunction with Spring Commission meeting**
- **Waste Management '24 Symposium in Phoenix**
- **LLW Forum Spring Conference in Orlando**
- **Contact with Governor of CA regarding Commission vacancies**
- **Arrange Commission tour of Finland disposal facilities**
- **Other conferences as appropriate**

### Licensing Agency Report

No representative of the California Department of Public Health, Radiologic Health Branch was able to attend the meeting, but John Fassel submitted the following report by telephone:

Mr. Fassel reported that there is no licensing activity ongoing relative to a new disposal facility in California. Ira Schneider has been promoted as the new Chief of the Radiologic Health Branch. There are currently 1666 materials licensees in the state. The numbers have been slowly declining, as has the volume of LLRW being produced. They are somewhat behind on inspections due to some recent computer problems. Expecting an IMPEP in October 2024. No new decommissioning activity expected, but still working on Treasure Island, Hunter's Point, Long Beach Navy facility Terminal Island.

### License Designee Report

US Ecology, the "License Designee" was not in attendance; however, Ms. Sherry Frenette, Senior Manager, Radiological Programs, submitted the following statement via email:

"US Ecology is not presently undertaking efforts to develop a regional disposal facility for the Southwestern Compact region"

### Party States Report

Vice Chair Goretzki reported that Arizona has 358 materials licensees. Expecting some new licensing activity for special nuclear materials (SNM) which will lead to a different waste stream than has been seen in Arizona.

Commissioner Patrick reported that North Dakota has a total of 142 specific licensees (73 materials licensees and 69 TENORM licensees, which are treated the same in North Dakota), and 32 reciprocity licensees. There are four new specific licenses and 6 new TENORM licenses in process. There is one vacancy in the agency, and candidates are currently being interviewed. Regulations are current with NRC requirements. Expecting an IMPEP in about one year. There was one shipment of a sealed source (a nuclear gauge). North Dakota requires specific licenses for all nuclear gauges. Unlike elsewhere, no nuclear gauges are generally licensed. Vitalant had two blood irradiators removed. There is one TENORM landfill approved in North Dakota. Not operational yet, until air monitoring system is in place with background established. A second TENORM landfill has applied for licensing and it is under the review process.

Commissioner Emme reported that there are 34 NRC licensees in South Dakota, since they are not an Agreement State.

### Bylaws Amendment

Mr. Gaynor noted that legal counsel had brought it to his attention that the governing language in the Bylaws pertaining to travel expenses were based on California requirements that may not be appropriate for the Commissioners from the other party states. Mr. Gaynor proposed amending the Bylaws, as suggested by legal counsel, to be consistent with Federal (General Services Administration) rules.

**Commissioner Patrick made a motion to approve the proposed Bylaws amendment. Motion was seconded by Vice Chair Goretzki. Motion passed unanimously by roll call vote.**

### Export Actions

Commissioner Emme noted that the Export Committee had reviewed all 86 petition approvals since the last meeting and had found no problems.

### Ratification of Approved Petitions E-23-036 through E-23-090

**Vice Chair Goretzki made a motion to ratify all petition approvals for the Energy Solutions, LLC facility. Commissioner Emme seconded the motion. Motion passed unanimously by roll call vote.**

### Ratification of Approved Petitions WCS-23-027 through WCS-23-053

Vice Chair Goretzki noted that WCS-23-047 involved a sealed source that had been collected from a scrap dealer and sequestered by AZDHS until the responsible party could be identified and disposal arranged. Since the source was shipped from his facility, he recused himself from voting on the ratification of this petition approval.

**Vice Chair Goretzki made a motion to ratify all petition approvals for the Waste Control Specialists, LLC facility, with the exception of WCS-23-047. Commissioner Brierty seconded the motion. Motion passed unanimously by roll call vote.**

**Commissioner Emme made a motion to ratify the petition approval for WCS-23-047. Commissioner Brierty seconded the motion. Motion passed unanimously by roll call vote, with Vice Chair Goretzki abstaining.**

### Amend "Policy of the Southwestern Low-Level Radioactive Waste Commission Regarding Exportation of Various Low-Level Radioactive Waste Streams" to extend the effective date.

**Vice Chair Goretzki made a motion to amend the Policy to extend the effective date to December 31, 2024. Motion seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

### Amend "Requirements for Exportation Petitions for Low-Level Radioactive Waste Streams" to extend effective date.

**Vice Chair Goretzki made a motion to extend the effective date to December 31, 2024. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

Approve new petitions and effective date.

Mr. Gaynor presented the revised petitions effective November 1, 2023 through December 31, 2024.

**Commissioner Brierty made a motion to approve the revised export petitions. Motion was seconded by Vice Chair Goretzki. Motion passed unanimously by roll call vote.**

Financial Audit Report

Mr. Gaynor presented the financial audit prepared by Boden Klein & Sneesby, in Roseville, CA.

**Commissioner Brierty made a motion to accept the financial audit. Commissioner Patrick seconded the motion. Motion was unanimously approved by roll call vote.**

Alaron shipments misrepresenting generator - Status of generator invoicing

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 last 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. Six of the generators were able to produce documentation that they actually had approved export petitions for the shipments. Eight generators have paid their invoices. Two generators have since closed their locations with no forwarding information.

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.

Executive Session

The Commissioners adjourned to closed executive session pursuant to CA Gov. Code §11126(a)(1) to discuss staff performance evaluations.

Review and Approve Executive Director's and Counsel's Contracts

After reconvening the general meeting, Commissioner Brierty expressed to Mr. Baldrige that the Commission is pleased with the work he is doing and with his participation in the LLW Forum conferences. Chair Earley asked for a motion regarding the Counsel's contract. **Commissioner Patrick made a motion to renew Counsel's contract for one year, effective January 1, 2024, with a 5% increase in contract fees. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

Commissioner Brierty then summarized the Commissioners' reviews of Mr. Gaynor's performance as Executive director. Chair Early then asked for a motion regarding the Executive Director's contract. **Vice Chair Goretzki made a motion to amend the Executive Director's current contract to increase the fee by 5% effective January 1, 2024. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

Annual Governors' Report Review

Mr. Gaynor presented the Draft Annual Governors' Report for review by the Commissioners. **Vice Chair Goretzki made a motion to accept the Draft Annual Governors' Report for finalization and submittal to the Southwestern Compact Region's Governors. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

Amend Fiscal Year 2023-24 Budget

Mr. Gaynor presented the proposed amendments to the FY 2023-24 budget. This included an increase in projected income to a total of \$340,000. Contractor fees were also increased to \$198,000. Vice Chair Goretzki suggested that Contractor Fees be increased to \$200,000 in view of Commission actions earlier in this meeting. **Commissioner Brierty made a motion that the Amended Budget be accepted with a \$2,000 increase in Contractor Fees. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

**AMENDED BUDGET FISCAL YEAR 2023-24**

Approved by Commission 10/4/23

**INCOME**

Interest	30,000
Exportation Fees	300,000
Workshop	10,000
Refund/Overcharge	0
TOTAL INCOME	<hr/> \$340,000

**EXPENSES**

Contractor Fees	200,000
Travel (Staff & Commissioners)	52,000
Telephone & Internet	1,700
Electronic (website, support, security)	3,500
Postage and mail services	2,050
Auditing Service	6,000
Professional services (P/T office help)	3,000
Bond	400
Office Expense	600
Meeting Expenses	4,700
Dues & Subscriptions	10,200
Insurance	16,000
Workshop Expense	10,000
Misc. (printing, bank charges, legal education)	500
Rebates	0
Conference Registration Fees	7,000

TOTAL EXPENSES

                      
\$312,650

NET INCOME

\$22,350

Approve Fiscal Year 2024-25 Budget

Mr. Gaynor presented the proposed budget for FY 2024-25. Income is conservatively estimated at \$340,000, assuming no interruption of the current decommissioning plans. Contractor fees are estimated at \$215,000. **Commissioner Brierty made a motion to accept the proposed FY 2024-25 Budget. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

**APPROVED BUDGET FISCAL YEAR 2024-25**

Approved by Commission 10/4/23

**INCOME**

Interest	30,000
Exportation Fees	300,000
Workshop	10,000
Refund/Overcharge	0
<b>TOTAL INCOME</b>	<b>\$340,000</b>

**EXPENSES**

Contractor Fees	215,000
Travel (Staff & Commissioners)	55,000
Telephone & Internet	1,800
Electronic (website, support, security)	3,500
Postage and mail services	2,200
Auditing Service	6,500
Professional services (P/T office help)	3,000
Bond	450
Office Expense	650
Meeting Expenses	4,800
Dues & Subscriptions	10,700
Insurance	17,000
Workshop Expense	10,000
Misc. (printing, bank charges, legal education)	600
Rebates	0
Conference Registration Fees	7,000
<b>TOTAL EXPENSES</b>	<b>\$338,200</b>
<b>NET INCOME</b>	<b>\$1,800</b>

Discuss and Adopt Fee Schedule

Vice Chair Goretzki expressed concern that the Commission’s income from export fees is likely to drastically decrease in 6-10 years when utility decommissioning activities in California are expected to be complete. The Commissioners agreed that it would be prudent to build reserves gradually during that time to support the Commission’s responsibilities to the other waste generators for as long as practical.

This would avoid precipitous and significant fee increases on the majority of generators when the waste disposal volumes decrease. After discussion of options the following action was taken. **Vice Chair Goretzki made a motion to increase petition fees to a minimum charge of \$575 for volumes up to 250 cubic feet, \$2.40/cubic foot for volumes between 250 cubic feet and 40,000 cubic feet, and \$0.20/cubic foot for volumes above 40,000 cubic feet. Motion was seconded by Commissioner Patrick. Motion passed unanimously by roll call vote.**

#### Review and Approve Updated Office Procedures

Mr. Gaynor presented proposed changes to the Office Procedures which are primarily related to moving the office from the previous Executive Director's residence to the new Executive Director's residence.

**Commissioner Patrick made a motion to accept the proposed changes. Motion was seconded by Commissioner Emme. Motion was passed unanimously by voice vote.**

#### Public Comment

No comment was offered by the public.

#### Election of Officers

**Chair Donna Earley nominated Brian Goretzki to another term as Commission Vice Chair. Commissioner Brierty made a motion to elect Brian Goretzki as Commission Vice Chair. Commissioner Emme seconded the motion. Motion was unanimously passed by roll call vote. Vice Chair Goretzki made a motion to elect Donna Earley to another term as Commission Chair. Motion was seconded by Commissioner Brierty. Motion passed unanimously by roll call vote.**

#### Future Agenda Items

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

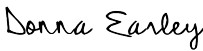


- Commissioner Emme asked for continuing Alaron generator updates
- Vice Chair Goretzki suggested a visit to APS Palo Verde to determine the reasons for differences in waste volumes between Palo Verde and PGE Diablo Canyon
- Vice Chair Goretzki offered a visit to Mayo Clinic cyclotron/proton accelerator
- Vice Chair Goretzki offered a visit to ASU 20,000 ci Cobalt unit

### Next Meetings and Locations

Mr. Gaynor mentioned that he and Vice Chair Goretzki had been considering a generators' workshop to be held in Phoenix at the same time as the WM24 Symposium, which will be held March 10-14, 2024. He suggested that the Commission consider holding the spring meeting on the same day as the workshop. After discussion, it was decided to plan for a workshop and Commission meeting on the same day during the period of March 11-13. That would allow for the Commissioners to possibly attend the WM24 Expo the day before or after. Vice Chair Goretzki volunteered that he could arrange for a tour to one of the sites near Phoenix listed above on the other contiguous day.

The meeting was adjourned at 1552 hrs.

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11/2/2023

Chair Earley\_ Dated

**ATTACHMENT II** – Minutes of the 94<sup>th</sup> Meeting of the Southwestern Low-Level Radioactive Waste Commission

## **SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

*1731 Howe Avenue #611, Sacramento, California 95825*



March 12, 2024

### Minutes of the 94<sup>th</sup> Meeting of the Southwestern Low-Level Radioactive Waste Commission

The 94<sup>th</sup> meeting of the Southwestern Low-Level Radioactive Waste Commission was called to order by Chair Donna Earley at 1530 hrs. MST on Tuesday, March 12<sup>th</sup>, 2024 in Salon 1/2 at the Renaissance Phoenix Downtown Hotel, 100 N. 1<sup>st</sup> 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
<b>INCOME</b>			
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%
<b>TOTAL INCOME</b>	<b>\$340,000</b>	<b>269,951</b>	<b>79.4%</b>
<b>EXPENSES</b>			
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%
<hr/>			
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**

	<b>APPROVED</b>	<b>PROPOSED</b>
<b>INCOME</b>		
Interest	30,000	30,000
Exportation Fees	300,000	320,000
Workshop	10,000	16,000
Refund/Overcharge	0	0
	<hr/>	<hr/>
<b>TOTAL INCOME</b>	<b>\$340,000</b>	<b>\$366,000</b>
 <b>EXPENSES</b>		
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
	<hr/>	<hr/>
<b>TOTAL EXPENSES</b>	<b>\$338,200</b>	<b>\$348,600</b>
 <b>NET INCOME</b>	 <b>\$1,800</b>	 <b>\$17,400</b>

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\_\_ (Original signe by Chair Earley)\_\_\_\_\_ Dated \_\_\_\_\_

**ATTACHMENT III- FINANCIAL AUDIT REPORT - FY 2023-24**

Under separate cover.

**ATTACHMENT IV – Budget for Fiscal Year 2024-25**

**APPROVED BUDGET FISCAL YEAR 2024-25**

**INCOME**

Interest	30,000
Exportation Fees	320,000
Workshop	16,000
Refund/Overcharge	0
TOTAL INCOME	<hr/> \$366,000

**EXPENSES**

Contractor Fees	215,000
Travel (Staff & Commissioners)	55,000
Telephone & Internet	1,800
Electronic (website, support, security)	3,500
Postage and mail services	2,200
Auditing Service	6,500
Professional services (P/T office help)	3,000
Bond	450
Office Expense	750
Meeting Expenses	4,800
Dues & Subscriptions	12,000
Insurance	20,000
Workshop Expense	16,000
Misc. (printing, bank charges, legal education)	600
Rebates	0
Conference Registration Fees	7,000

TOTAL EXPENSES

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\$348,600

NET INCOME

\$17,400

## ATTACHMENT V

THE SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION  
Each party state is represented by one Commissioner, appointed by the Governor and confirmed by the Senate of the appointing state. One member represents the host county and the host state is authorized additional members to comprise a majority of the Commission. Appointed alternates may act in a member's absence. The following individuals served as Commissioners, Alternates and staff during the past fiscal year.

### COMMISSIONER

#### ARIZONA

**Brian Goretzki**  
Arizona Department of Health Services  
4814 South 40th Street  
Phoenix AZ 85040

#### CALIFORNIA

**Donna L. Earley**  
124 Waterview St.  
Playa del Rey, CA 90293

**Vacant**

**Vacant**

**Vacant**

#### NORTH DAKOTA

**Dale Patrick**  
9440 Cedar Lane  
Bismarck, ND 58503

#### SOUTH DAKOTA

**Vacant**

### ALTERNATE COMMISSIONER

**Vacant**

**Peter S. Brierty**  
**San Bernardino County**  
28675 Hilltop Dr.  
Highland, CA 92346

**David Stradinger**  
North Dakota Department of Health  
Gold Seal Center, Fourth Floor  
Bismarck, ND 58501

**Nick Emme**  
Department of Agriculture and Natural Resources  
523 East Capitol (Foss Bldg.)  
Pierre SD 57501

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