

**SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE COMMISSION****1731 Howe Avenue #611, Sacramento, California 95825**

October 10, 2024

**Minutes of the 95<sup>th</sup> Meeting of the  
Southwestern Low-Level Radioactive Waste Commission**

The 95<sup>th</sup> meeting of the Southwestern Low-Level Radioactive Waste Commission was called to order by Chair Donna Earley at 1416 hrs. PDT on Thursday, October 10<sup>th</sup>, 2024 in the Sierra Room at the Grand Sierra Resort, 2500 E. 2<sup>nd</sup> Street, Reno, Nevada.

Chair Earley asked for a voice roll call to determine a quorum. Members participating: Chair Donna Earley, California; Vice Chair Brian 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 invited the members of the public in attendance to identify themselves. The following persons were present:

- Stephen Raines, Texas LLRW Disposal Compact Commission
- John Salsman, Texas LLRW Disposal Compact Commission
- Linda Morris, Texas LLRW Disposal Compact Commission
- Tom Hansen, Southeast LLRW Disposal Compact Commission
- Ryan Williams, Waste Control Specialists
- Doug Hansen, Utah Department of Environmental Quality
- Dave Carlson, Waste Control Specialists
- Kristen Schwab, Northwest Interstate Compact
- Michel Klebe, Michael Klebe & Associates
- Vern Rogers, Energy Solutions

The following were also participating online:

- Daryl Sawyer, Idaho Department of Environmental Quality
- Gregorio Rosada, Washington Department of Health, Office of Radiation Protection
- Lilia Lopez, Washington Office of the Attorney General
- Brandon Hurley, Texas LLRW Disposal Compact Commission

Legal Counsel read the statement regarding due notice of the meeting. It was confirmed that the posting of the agenda was on September 23, 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 are continuing to work with the California Governor's Appointments Office to fill the current vacancies on the Commission. The Appointments Office assures the Commission that they are aware of the need and are working to identify suitable candidates.

### Executive Director Report

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

#### **Conferences Attended**

- **CRCPD Annual Conference**
- **RadWaste Summit**
- **Low-Level Waste Forum (October 9)**

#### **Other Activities**

- **Commission tour of Mayo Clinic in Phoenix, including their proton beam treatment facility and their cyclotron medical isotope generator**
- **LLW Forum Board of Directors teleconferences**
- **LLW Forum agenda planning committee teleconferences**
- **Virtual attendance at meetings of the Texas-Vermont Compact Commission**
- **Along with Commissioner Brierty, explored disused sources funding with Cal OES and California Department of Public Health - Radiologic Health Branch**
- **Processed 98 export petitions from February through August**
- **Contacted WCS regarding LLRW disposals at their RCRA cell requiring export petitions**
- **Serving as Chair-Elect of the Low-Level Waste Forum**
- **With Commission Chair Earley, provided list of potential commissioner candidates to the Governor of CA**
- **Completed digital archiving and destruction of old paper records**

#### **Planned Activities for 2024-2025**

- **Contact with Governor of CA regarding Commission vacancies**
- **Energy Solutions Customer Conference**
- **Waste Management 25 Symposium**
- **RadWaste Summit**
- **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 Branch Chief Ira Schneider reported via email that there are currently 1597 Radioactive Materials Licensees in the State of California.

### 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 364 materials licensees. Preparing for 5-year IMPEP. Have seen an increase in applications over the past year.

Commissioner Emme reported that there are 32 NRC licensees in South Dakota, since they are not an

Agreement State.

Commissioner Patrick reported that North Dakota has a total of 142 specific licensees (79 materials licensees (including 6 that are combined with TENORM) 68 TENORM licensees, (which are treated the same in North Dakota), and 34 reciprocity licensees. Current with NRC rules for agreement state status. IMPEP was recently completed and the report will be reviewed on November 7. There were two shipments of sealed sources to WCS Texas. There is one TENORM landfill approved in North Dakota. A second TENORM landfill has applied for licensing but it is on hold. There is also one injection well for TENORM disposal.

#### Export Actions

Commissioner Emme noted that the Export Committee had reviewed all 98 petition approvals since the last meeting and had found no problems.

#### Ratification of Approved Petitions

**Commissioner Patrick made a motion to ratify petition approvals E-24-038 through E-24-088 and WCS-24-026 through WCS-24-064. Commissioner Emme seconded the motion. Motion passed unanimously by roll call vote.**

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

Executive Director Gaynor pointed out that in addition to the extension of the effective date, there had also been some minor grammatical corrections made that were identified by Counsel.

**Vice Chair Goretzki made a motion to accept the grammatical corrections to the Policy and to extend the effective date to December 31, 2025. 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, 2025. 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, 2024 through December 31, 2025.

**Commissioner Patrick 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.

**Vice Chair Goretzki made a motion to accept the financial audit. Commissioner Emme 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 a previous 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. There remain thirteen yet to be resolved. Mr. Gaynor expects that most of these may be resolved when the respective generators apply

for export petitions in the future.

#### WCS re: export authority for disposals in RCRA cell

Mr. Gaynor introduced Mr. Dave Carlson, President of Waste Control Specialists (WCS), to address the Commission regarding his concerns related to export controls on low-activity radioactive wastes for disposal at the WCS RCRA TSDf. On June 24, 2024, Mr. Gaynor had written to Mr. Carlson, asking for his assistance in notifying their customers of the need to get export approval from the Commission for shipments of low-activity Class A LLRW to the WCS RCRA cell. Even though the Texas Commission on Environmental Quality allows low-activity Class A LLRW to be exempted from the Texas LLRW Disposal Compact's import requirements, and allows alternative disposal in the RCRA cell rather than the Compact Waste Facility, Mr. Gaynor believes the Southwestern LLRW Commission still has jurisdiction over these wastes originating in the Southwestern Compact states.

In a telephone conversation in July, Mr. Carlson and Mr. Ryan Williams expressed concerns about export petition fees from the Southwestern Compact that might affect the competitive ability of their RCRA facility in accepting low-activity wastes. As a result of that telephone conversation, Mr. Gaynor invited them to address the Commission and elaborate on their concerns at this annual meeting.

Mr. Carlson then presented a series of slides describing the four disposal cells and the activities conducted at the WCS facility. He also described the "Texas approved" exemption process that allows for disposal of low-activity Class A LLRW in the RCRA TSDf, as provided in the Radioactive Materials License for their facility in License Condition 192. Mr. Carlson also presented a slide showing other companies that are practicing alternative disposal in non-licensed radioactive waste facilities under the provisions of 10 CFR 20.2002. He stated the concern that, if the Commission imposes export controls for materials going to the WCS facility, then all such facilities should be treated in the same manner. Otherwise, it might create an unfair disadvantage to his company.

Mr. Carlson and Mr. Williams responded to several questions from the Commission. Mr. Gaynor thanked Mr. Carlson and Mr. Williams for their presentation, and then stated that the Commission would take their concerns into consideration in any further actions related to the export of low-activity LLRW from the Southwestern Compact.

#### Executive Session

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

#### Review and Approve Counsel's Contract

After reconvening the general meeting, Chair Early expressed to Mr. Baldrige that the Commission is pleased with the work he is doing and would like to renew his contract. Mr. Baldrige expressed his willingness to continue as the Commission's Counsel. Chair Early 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, 2025, with a 5% increase in contract fees. Motion was seconded by Commissioner Brierty. Motion passed unanimously by roll call vote.**

Chair Early then expressed the Commission's satisfaction with Mr. Gaynor's performance as Executive Director, noting that the Executive Director's contract does not expire until December 31, 2025.

**Commissioner Patrick made a motion to amend the Executive Director's current contract to increase the fee by 5% effective January 1, 2025. Motion was seconded by Vice Chair Goretzki. Motion passed unanimously by roll call vote.**

#### Annual Governors' Report Review

Mr. Gaynor presented the Draft Annual Governors' Report for review by the Commissioners.

**Commissioner Emme 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 Vice Chair Goretzki. Motion passed unanimously by roll call vote.**

Review/Amend Fiscal Year 2024-25 Budget

Mr. Gaynor presented a comparison of the actual income/expense statement for the last fiscal year with the most recent budget for the current fiscal year. This budget was amended at the Spring meeting, and no changes are proposed. No changes were suggested by the Commissioners.

Approve Fiscal Year 2025-26 Budget

Mr. Gaynor presented the proposed budget for FY 2025-26. Income is conservatively estimated at \$361,000, assuming no interruption of the current decommissioning plans. Small increases were made in meeting expenses, dues and subscriptions, insurance, and conference registration fees. Contractor fees are estimated at \$215,000. **Vice Chair Goretzki made a motion to accept the proposed FY 2025-26 Budget. Motion was seconded by Commissioner Emme. Motion passed unanimously by roll call vote.**

**APPROVED BUDGET FISCAL YEAR 2025-26**

Approved by Commission 10/10/24

	<b>FY 2023-24 ACTUAL</b>	<b>FY 2024-25 BUDGET</b>	<b>PROPOSED 2025-26</b>
<b>INCOME</b>	(Unaudited)		
Interest	27,713.00	30,000	25,000
Exportation Fees	472,181.00	320,000	320,000
Workshop	17,223.00	16,000	16,000
Refund/Overcharge	0.00	0	0
<b>TOTAL INCOME</b>	<b>517,117.00</b>	<b>\$366,000</b>	<b>\$361,000</b>
<b>EXPENSES</b>			
Contractor Fees	177,616.00	215,000	215,000
Travel (Staff & Commissioners)	39,435.00	55,000	55,000
Telephone & Internet	561.00	1,800	1,800
Electronic (website, support, security)	2,880.00	3,500	3,500
Postage and mail services	1,426.00	2,200	2,200
Auditing Service	5,125.00	6,500	6,500
Professional services (P/T office help)	0.00	3,000	3,000
Bond	326.00	450	450
Office Expense	857.00	750	900
Meeting Expenses	6,426.00	4,800	6,000
Dues & Subscriptions	13,521.00	12,000	14,000
Insurance	19,176.00	20,000	22,000
Workshop Expense	23,643.00	16,000	16,000
Misc. (printing, bank charges, legal education)	506.00	600	600
Rebates	0.00	0	0
Conference Registration Fees	6,440.00	7,000	8,000
<b>TOTAL EXPENSES</b>	<b>297,938.00</b>	<b>\$348,600</b>	<b>\$354,950</b>
<b>NET INCOME</b>	<b>219,179.00</b>	<b>\$17,400</b>	<b>\$6,050</b>

Discuss and Adopt Fee Schedule

Mr. Gaynor proposed that the Commissioners consider a small increase in petition fees to continue building reserves in anticipation of declining volumes after completion of the SONGS decommissioning. **Vice Chair Goretzki proposed that the fee be increased to \$2.50 per cubic foot up to a volume of 40,000 feet, with a minimum fee of \$625 for up to 250 cu. ft. Volumes over 40,000 cubic feet would be charged at \$0.25 per cubic foot. Commissioner Patrick seconded the motion. Motion passed unanimously by roll call vote.**

Public Comment

No comment was offered by the public.

Election of Officers

**Commissioner Emme made a motion to elect Brian Goretzki to another term as Commission Vice Chair. Motion was seconded by Commissioner Patrick. Motion passed unanimously 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.
- Commissioners discussed a possible information gathering tour at the Republic of Idaho facility in Grandview, Idaho.

Next Meetings and Locations

- Spring 2025 Commission meeting after LLW Forum meeting in Odessa, Texas, April 9-10, 2025.
- Tour of Waste Control Specialists disposal facility near Andrews, Texas, April 8, 2025.

The meeting was adjourned at 1647 hrs.

Chair Earley DocuSigned by: Donna Earley Dated 12/2/2024  
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