

SOUTHWESTERN LOW-LEVEL RADIOACTIVE WASTE
COMMISSION
ANNUAL REPORT FOR FISCAL YEAR 2016
(July 1, 2015 to June 30, 2016)

“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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HIGHLIGHTS OF FISCAL YEAR 2016 (July 1, 2015-June 30, 2016) ACTIVITIES

I. STATUS OF THE REGIONAL DISPOSAL FACILITY

A. FISCAL YEAR 2016 HOST STATE REPORT

The State of California provided the following report:

The Radiologic Health Branch has 1,772 active radioactive materials licenses as of July 25, 2016.

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 2016 of FORMER LICENSEE 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. The Company is awaiting information on the State of California’s specific plans to carry out its continuing obligation under state and federal law to develop a regional low-level radioactive waste disposal facility.”

II. COMPACT COMMISSION

A. COMMISSION MEETINGS

The Southwestern Low-Level Radioactive Waste Commission held the **71st** meeting on October 09, 2015 at the Hyatt Regency in Sacramento, California.

Under the Party States report, North Dakota Commissioner Dale Patrick anticipates the new Rule on TENORM standards should be finalized by the end of 2015. Commissioner Patrick is aware of the surrounding states who are watching the outcome carefully on the new standards that North Dakota is establishing. Approximately 60 cubic yards of TENORM are generated per day. South Dakota Commissioner Nadenicek gave a brief update on Power Tech and the exploration of uranium mining in the state. They will continue to track the outcome of TENORM activities in North Dakota. Arizona Commissioner Godwin

reported there are no activities taking place at this time. Commissioners Vadnais, Campbell, Brierty and Earley had no update on any legislation regarding low-level radioactive waste and/or disposal options in the State of California.

Mr. Todd Adler, Lead Manager of Decommissioning Transition and Mr. Stevie Vaughan, Manager of the Decommissioning Transition Team at SONGS presented an update on the status of the San Onofre Nuclear Power (SONGS). Mr. Adler and Mr. Vaughan briefly discussed the rapid decommissioning efforts which are taking place on this 84 acre facility and the number of approvals and permits that are now in place to move forward. An expansion is currently underway for the Independent Spent Fuel Storage Installation (ISFSI) pad. The anticipated completion will be by the end of 2032. Both Mr. Adler and Mr. Vaughan responded to a number of questions from the Commissioners regarding the ISFSI pad, rail and staff access to the ISFSI pad, security, time lines, contract for the non-nuclear parts of the plant, status of Unit #1, beach access, and monies in the decommissioning fund to cover all cost of this operation.

Mr. Travis Snowder, CEO of Qal Tek, attended the meeting to discuss his role in the industry as a service provider working with sealed sources across the country. Mr. Snowder gave a brief overview of his companies programs and services offered and his concerns of the cost of disposal for sealed sources which clearly has been a deterrent for small generators to be able to afford disposal. With new pressures on generators to dispose of sealed sources, perhaps it is time for the industry to view reutilization as viable. QalTek has developed a new tracking data base program which he feels could be used for tracking sealed sources for either re-use or disposal. Mr. Snowder would like to look at a way to bridge the gap of tracking, reuse and disposal. Commissioner Earley expressed her concerns that there are major hurdles with the NRC license process and terms and requirements of disposal. In addition, future research would need to be done to comply with regulations set by the State of California. Mr. Snowder indicated that manufacturers do not openly discuss their recycling practices so reuse percentages are hard to estimate. Qal Tek is interested in developing a program working with the Southwest Compact to begin an outreach effort with Generators in the Compact developing a tracking list with the intent of reutilization of sources. After additional questions from the Commissioners, Chair Godwin decided to assign a committee of two Commissioners to do a review of the possibility of a program for reutilization of sealed sources in the Southwest Compact. Commissioner Earley and Commissioner Patrick were assigned to this new committee.

Commission Legal Counsel proposed a possible need to amend the Compact's Export Policy. He distributed copies of his communications with a generator who recently exported LLRW out of California to a processor's facility without first obtaining a Commission approved petition which was in violation of the export policy. The letter that was developed by his office illustrated how a positive result

came about with the Generator submitting a petition with the required fee and expressing a better understanding of the Compact's law for disposal of LLRW. After review by the Commission of a sample "Violation Warning" notice and the amended language to be added to the Southwestern Low-Level Radioactive Waste Commission Regarding Exportation of Various Low-Level Radioactive Waste Streams, a motion was made by Commissioner Earley and seconded by Commissioner Vadnais to approve the requested amendment to the Compact's export policy. The motion passed unanimously.

Next, the Commission addressed Petition Ratification. A motion was made by Commissioner Nadenicek to ratify the Energy Solutions petitions (E-15-075 thru E-15-126) and Waste Control Specialists (WCS) petitions (WCS-015-024 thru WCS-15-051). The motion was seconded by Vice Chair Campbell. The motion passed unanimously.

An annual review and amendment to extend the annual dates for "Policy of the Southwestern Low-Level Radioactive Waste Commission Regarding Exportation of Various Low-Level Radioactive Waste Streams", "Requirements for Exportation Petitions of Low-Level Radioactive Waste Disposal and Petition forms were approved thru motions that passed unanimously.

The Commission reviewed and approved the Financial Audit Report and a Letter of Intent submitted by Starbuck Walsh CPA. Chairman Godwin reviewed all the standing Compact Committees. The draft copy of the Annual Governor Report was approved along with next year's proposed fiscal budget. Finally, Commissioner Joe Nadenicek of South Dakota announced his retirement effective at the end of 2015. It was noted that Commissioner Nadenicek has served on this Commission since August, 1998 at the pleasure of the Governor of South Dakota.

Chair Godwin opened the nomination process up for the election of officers for the Southwest Compact. He felt honored to have served for the last 8 years and felt it was time for another Commissioner to have the opportunity to be Chair. Commissioner Nadenicek nominated Vice Chair Campbell for the position of Chair. Commissioner Vadnais seconded the motion. The motion passed unanimously. For the position of Vice Chair, Commissioner Vadnais nominated Commissioner Earley. Commissioner Nadenicek seconded the motion. The motion passed unanimously.

The 72th meeting of the Southwestern Low-Level Radioactive Waste Commission was held on April 7, 2016 at the Marriott Courtyard in San Diego, California. Chair Campbell introduced Commissioner Nick Emme from South Dakota, who replaced Commissioner Nadenicek, retiring officially in December, 2015.

Under the Party States report, California Commissioners had nothing to report on pending legislation in California.

South Dakota Commissioner Emme indicated that South Dakota is a non-agreement state and the NRC continues to oversee activities on the license for the uranium mining application. He also noted there was no legislation to report on. Currently there is a cleanup in southeast South Dakota from a pipeline leak which resulted in contaminated soil and is under investigation.

Commissioner Patrick, of North Dakota, noted there had been a report of a deficit in the State. This was not accurate. The Commissioner reported on a federal agency who had “posed” as a future Company coming to North Dakota requesting to be issued a Radioactive Material License (RML). His department DID NOT issue a license to this company following their protocol. He expressed how important it is to have a process that all staff members follow and understand why. Various efforts of manipulation by terrorists are ongoing and securing radioactive material must be taken seriously.

Commissioner Godwin of Arizona was unable to submit a report on the State’s activities at this time.

Chair Campbell announced the presentation from Waste Control Specialists (WCS) had to be delayed to the Fall meeting regarding the RCRA facility disposal program.

The Commission’s Committee for Exportation, consisting of Commissioner Vadnais and Vice-Chair Earley, updated the Commission on the process for approval of petitions during the past 6 months. Commissioner Earley noted she would need to abstain from voting specifically on E-16-052 as this petition is from the company she is employed by. A motion by Commissioner Vadnais and seconded by Commissioner Earley was made to ratify Energy Solutions Petitions E-15-127 thru E-15-148, E-16-001 thru E-16-067 and WCS Petitions WCS-15-052 thru WCS-15-062 and WCS-16-001 thru WCS-16-023. There was no further discussion. The Chair reminded Commissioners that as stated in the By-Laws, all petitions require a two thirds vote for approval. Chair Campbell then called for a roll call vote. The motion passed with 6 ayes noting Commissioner Earley’s abstention on E-16-052.

As reported in prior meetings regarding concerns of stored disused sealed sources at Thermo Fisher located in Texas, efforts are moving forward to identify

and dispose of over 24,000 disused sealed sources. These disused sources had been shipped and stored at Thermo Fisher from generators around the country. Over 600 disused sealed sources from the Southwest Compact are now in process to allow Bionomics to package and properly dispose of in WCS from the Southwest Compact. Lists of these companies were sent to each Commissioner and State Agency of California, Arizona, North Dakota and South Dakota. Ms. Davis has been in contact with the staff of the Radiologic Branch of the CDPH and will work with them on how to further inform generators of the State of California of proper disposal of disused sealed sources. Mr. Fassell indicated he would report back to the Commission during the Fall meeting in October.

Commissioners Patrick and Earley reported on their tour in March, 2015 to the QalTek facility in Idaho Falls, Idaho. The purpose of the tour was to obtain information on the operation along with learning about the opportunities for various reutilizations of sealed sources by QalTek. Commissioner Patrick recommended QalTek establish a verification process of a company's Radioactive Material License (RML). Vice Chair Earley felt a defined criteria should be developed to establish the acceptance of sealed sources for reutilization, including a time limit for storage. Mr. Mike Albanese, of QalTek, stated they will continue to develop and evaluate a business plan that could provide options to generators and that could be accepted by the Southwestern Compact.

B. CHAIR'S ACTIVITIES

Chair Campbell noted he had received no correspondence since the last meeting in October, 2015.

C. EXECUTIVE DIRECTOR'S ACTIVITIES

Ms. Davis announced that Mr. Scott Kirk, from WCS would be attending the October, 2016 meeting in Sacramento, California. He regrets the need to reschedule due to an open house being held at the Andrew's facility the same day of today's meeting. His presentation will be on the acceptance of "very low-level radioactive waste" going to the Resource Conservation & Recovery Act (RCRA) facility in Texas. WCS has also requested an amendment on their license to accept Great Than Class C (GTTC) at the Texas facility.

During the Low-Level Waste Forum (LLW Forum) in October, 2015, a number of sessions again focused on disused sealed sources. A scoping session was held on the management and disposition of disused sealed sources. The panel had representatives from Illinois, Los Alamos National Lab (LANL), National Nuclear Security Administration (NNSA), Nuclear Regulatory Agency (NRC), Bionomics, Perma-Fix and Qal-Tek. A number of perspectives and issues were raised

during this session. Ms. Davis informed the Commission on the ongoing meetings with the Disused Sealed Sources Working Group (DSWG) and plans to include additional stakeholders in the near future. The committee feels this will give a stronger united front to support various recommendations on reutilization and disposal efforts for disused sealed sources to the NRC and Congress. Ms. Davis reported on various conferences she had attended within the past 6 months in Utah and Arizona. Energy Solutions outlined their activities to continue to expand their online programs and the annual Waste Management Symposia staged a number of presentations focused on sealed sources and NORM/TEMORM disposal issues.

A Workshop is planned to be held later in April following up on sealed sources and the SSTAR program presented by Dave Martin. Mr. Stevie Vaughan, of the San Onofre Nuclear Generating Station (SONGS) will present an update on the closure process. Mr. John Fassell, of the Radiologic Branch in California Department of Public Health (CDPH), will be giving a presentation on recent changes of Rules & Regulations effecting licensees. The Compact has been receiving a number of petition request for participation in the SCATR program this year. Bionomics in TN is working the program very aggressively in our Compact.

D. COMMISSION MEMBERSHIP STATUS

Arizona, North Dakota, and South Dakota are each authorized one Commission member and one alternate. During the fiscal year, the three states' members and North Dakota and South Dakota alternate positions were completely filled. 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 California had three Commissioners, plus one active Alternate Commissioner. A vacancy remains for the Commissioner who will be representing the County where the designated site will be located.

PROJECTIONS OF THE REGIONAL DISPOSAL FACILITY'S ANTICIPATED FUTURE CAPACITY

The projections of the facility's anticipated future capacity is unknown as is the status of the regional waste facility. Current California law prohibits the proposed 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 disposal facility have yet to be developed by the California Department of Health Services.

BUDGET: FY 2016-2017 (July 1, 2016– June 30, 2017)

The Commission approved a budget for FY 2016-17 as follows:

Personnel services	\$ 149,200
Operating expenses	\$ 68,320
Meetings expense	\$ 7,500
Travel	\$ 36,000
Workshop expense	\$ 13,000
TOTAL	\$ 274,020

The Commission anticipated receipts for FY 2016-17 in the amount of \$ 274,020 to be derived from exportation fees, workshop registrations and bank interest.

DONATIONS, GRANTS AND OTHER RESOURCES ACCEPTED

No donations, grants or other resources were accepted during FY 2015-16

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. AUDIT REPORT: FY 2015-2016

II. COMMISSION MEMBERSHIP

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

ATTACHMENT I- AUDIT REPORT - FY 2015-16

ATTACHMENT II

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 fiscal year.

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