**SOUTHEAST COMPACT COMMISSION**

**ANNUAL MEETING**

### DRAFT MINUTES

**June 21, 2017**

The 109th meeting of the Southeast Compact Commission was held at the Hilton in Jackson, Mississippi. Chairman Debra Shults called the meeting to order at 9:00 a.m. A quorum of the Commission was established by Steve Harrison, Vice-Chairman.

Members participating:

Debra Shults

Michael Mobley

Steve Harrison

John Lanza

Karl Frost

Jack Storton

David Walter

Paul Burks

Les Foldesi

B.J. Smith

Donna Hodges

John Williamson

Staff participating:

Ted Buckner

Linda Walters

**Approval of Minutes**

The June 23, 2016 minutes were approved with minor changes.

**Public Comment**

No public comments were presented.

**Executive Director’s Report**

Ted Buckner, Executive Director, reported that since the last Commission meeting, staff has closed the office in North Carolina and are now working from home.

There was a meeting of officers, committee chairs and staff in Raleigh on February 21-22 to discuss staff activities and various Commission activities and issues.

One of the issues raised was how to get a general idea of where the waste from the individual member states is going, how much is being shipped, and how much is being stored. Mr. Buckner stated that he had contacted the Department of Energy (DOE), Waste Control Specialists (WCS), and Energy*Solutions* (ES). The Manifest Information System (MIMS) is available; however, MIMS is not always up to date and may not be currently accurate. Additionally, the generators are not identified by name on the MIMS system. Staff receives a monthly report on the generators from Energy*Solutions* at Clive and that information can be disseminated to the Commission. WCS does not have its system operating at this time; however, Mr. Buckner reported that he had spoken with Betsy Madru and can get the monthly reports from her. There are no reports on what is being stored.

**Hodes Award**

Commissioner Jack Storton presented the 2017 Hodes Award to Scott Kirk. Scott has more than 25 years of experience in the nuclear industry and recently joined BWX Technologies, Inc. as a Director of Regulatory Affairs. In this capacity, Scott provides guidance on a variety of regulatory affairs matters, focusing on radioactive waste management. Prior to his employment with BWXT, Scott served as the Vice President of Licensing and Regulatory Affairs for Waste Control Specialists LLC, where he significantly contributed to the successful licensing of the first new regional disposal facility to open in the past 40 years in Andrews County, Texas.

The Commission recognized Mr. Kirk for his innovative efforts in solving low-level radioactive waste (LLRW) management challenges in the United States by:

* Conceiving and perfecting the idea of placing very low activity LLRW in a near-surface landfill based on a performance assessment that showed the predicted dose did not exceed regulatory limits;
* Proposing a near-surface disposal option for Greater than Class C (GTCC) waste that is currently under consideration by the US Nuclear Regulatory Commission (NRC) and the State of Texas; and
* Submitting an application to the NRC to construct and operate a consolidated interim storage facility for spent nuclear fuel.

We have solicited nominations for the 2018 award. So far no nominations have been received. Mr. Buckner encouraged Commissioners to make a nomination for the award.

**NRC and EPA Rule Making Activities**

Staff continues to track EPA and NRC rulemaking activities. There has not been much movement this year. Things remain static, and they are transitioning to the new administration and new management at the two agencies.

**TEXAS Compact**

Staff continues to follow their meetings online. There are the usual import/export applications, and they are developing a rule for import of waste for management into their region.

Meetings are planned for:

August 10, 2017 Austin, TX

October 5, 2017 Austin, TX

November 16, 2017 Austin, TX

January 11, 2018 Austin, TX

February 22, 2018 Austin, TX

**WCS Site Visit**

On April 19, Debra Shults, Paul Burks, Donna Hodges, Jack Storton, David Walter, John Williamson, and I visited the WCS disposal facility west of Andrews, Texas:

The visit started with a presentation by Betsy Madru, VP of Government Relations; Elicia Sanchez, Senior VP and General Manager of the facility; and Jay Britten, VP of Operations for the facility. The three of them then escorted us on a tour of the site focusing on the federal LLRW facility and the Texas Compact LLRW disposal facility. The site also contains a RCRA subtitle C landfill, a byproduct material landfill, and different areas intended for future storage.

Betsy Madru discussed the lawsuit between the Department of Justice and WCS and ES. The hearing started on April 24 and ended shortly thereafter. The judge has not issued a ruling yet, but it is expected by the end of June. The ruling will probably be appealed, so it will be some time before it is resolved. If this merger does not go through and WCS is not acquired by ES, WCS will probably file for bankruptcy. Texas will retain responsibility for the site.

Disposal volumes at the compact disposal facility for commercial LLRW are significantly below the projected volumes. Many NRC regulated utility generators are choosing to store waste rather than ship it to Andrews for disposal. WCS’s RCRA cell can accept very low-level radioactive waste (~10% Class A levels) and there seemed to be some activity at that site.

Likewise, the disposal volumes at the federal LLRW facility remain below projections. DOE is opting to develop on-site disposal facilities for LLRW and is disposing of waste at these sites and existing DOE disposal facilities rather than send it to Andrews.

Consequently, the site is losing money from operations which is adding to the huge amount of debt incurred to build the facility. The annual cost to operate the WCS site is estimated to be $74 million. There is a huge amount of debt that continues to build.

The planned interim storage facility for spent fuel has been put on hold because of the lawsuit, and the costs for review continue to rise.

The proposal for disposal of Greater Than Class C waste has been put on hold waiting on the completion of Part 61 rulemaking procedure.

A bill that passed this session dropped the 5% LLRW disposal fee that is paid to the state until August 31, 2019 and reduces the 20% surcharge on imported waste to 10%, also until August 31, 2019. The state is hoping that this will encourage people to ship their waste to the facility and hopefully make this a permanent change.

**Other Compacts**

**Appalachian -** Exelon has announced that they will shut down TMI-1 at the end of September of 2019, pending no actions on the part of the PA legislature and the governor (i.e., passage of a zero emission credit for the PA nuclear power plants) to address this issue similar to the actions taken in New York and Illinois.

**Southwest Compact –** The Southwest Compact Commission recently had a meeting the spring.

They are looking at the NORM and TENORM issues in North Dakota. All Commissioners attended a coordinated tour of a drilling rig, fracking rig and a recycling waste treatment facility in North Dakota.

**New York –** The closure of the Indian Point reactor by April 2021 was announced.

**Rocky Mountain Compact** – The Rocky Mountain Board has been working on the NORM and TENORM issues. Letters have gone out to landfills in party states, to waste generators, and treatment/disposal facilities in the region.

**Central Compact** – The Central Compact imposes export restrictions and requires a fee and an application. Theyheld their annual meeting on June 20. They are putting those restrictions on hold and no longer requiring specific application for export. They now will have a blanket approval for export.

**Utah** -The state agency has re-initiated the technical review process of the DU performance assessment. They are now waiting for a response from Energy*Solutions* on the answers that the agency provided to them.  They anticipate that by later this fall they will be able to hold the public comment period on the results of their complete analysis and the associated Safety Evaluation Report.

The state agency continues to work on the license renewals for both the low-level area as well as the 11.e.(2) area.  Part of the LLRW license renewal application from ES includes the removal of the existing license condition that prohibits the receipt and management of sealed sources of LLRW.

**Spring 2017 LLW Forum Meeting**

Jack Storton, Paul Burks and Ted Buckner attended the spring 2017 LLW Forum meeting in Denver, CO on April 24-25.

Mr. Buckner noted that Betsy Madru, WCS, presented a very negative outlook on the WCS facility’s future. Mr. Storton noted that the amount of waste they have received has been very trivial in overall waste volume history. Each application for import has to be approved by TCEQ and the Compact Commission. It takes time and delays the shipments. Texas and Vermont do not have to ship their Class A waste to the facility.

Mr. Buckner reported that shortly after the new administration took office in Washington, the LLW Forum received a letter from DOE informing them that they plan to reduce the grant to the Forum due to federal budget constraints.  Todd Lovinger and Leonard Slosky met with Sue Cange, acting assistant Secretary of EM, and other DOE management to discuss the funding cut. Commissioner Mobley participated in the meeting by phone. Commissioner Mobley also reached out to Ms. Cange by email prior to the meeting since he knows her from the time she was with DOE at Oak Ridge. As a follow-up, the Forum sent a letter to Ms. Cange signed by state and compact attendees at the Forum meeting. The letter was signed by Mr. Buckner after sending it to Debra Shults and Steve Harrison for their approval. Forum representatives continue to work with DOE to identify other funding sources within DOE and/or other federal agencies.

**Fall 2017 LLW Forum Meeting**

The next LLW Forum meeting will be held on October 16-17 in Alexandria, VA at the Old Town Hilton. The Southeast Compact and the Central Compact will be co-sponsoring the meeting. Forum meetings are the best way to stay updated on the industry and get to meet other fed, state and compact officials. Since the Southeast Compact is co-hosting, it is hoped that a large contingent of commissioners will attend. Commissioners should contact staff if interested in attending. We have sufficient funding in budget.

**Disused Sources Working Group (DSWG)**

In early 2017, the DSWG released a report on *Compact Import and Export Requirements*. The report includes links to each individual low-level radioactive waste compact’s websites, as well as links to any applicable policy statements and forms.  For those compacts that have export and/or import permit requirements, a brief explanation of the program is provided.

A copy of the report can be found on the LLW Forum website at <http://llwforum.org/about/#compact>.

The DSWG, in conjunction with the E-34 Committee of the Conference of Radiation Control Program Directors (CRCPD), developed educational brochures for current and prospective licensees of radioactive sealed sources and devices.

The DSWG is developing a workshop on source management and disposition that it plans to offer to all ten operating low-level radioactive waste compact commissions. The intent is that the workshops would be regional, tailored to the needs of each individual compact commission and could be offered as an add-on to a compact commission meeting or a stand-alone workshop.

On May 22, 2017, the DSWG, OAS, CRCPD and HPS submitted a joint letter to NRC Chair Kristine L. Svinicki, Commissioner Jeff Baran and Commissioner Stephen G. Burns regarding financial assurance for Category 1 and 2 radioactive sealed sources (RSSs) that are tracked in the National Source Tracking System (NSTS).

The DSWG is working with CRCPD to develop enhanced information on recycle and reuse opportunities and create a system to provide the data to interested stakeholders.

**Treasurer’s Report**

Paul Burks reviewed the Treasurer’s Report and noted that the expenditures are less than revenues. The report is attached.

**State and Liaison Reports**

**Virginia –** Steve Harrison reported that there was a 2.3 magnitude earthquake on March 12 not far from the North Anna unit. There were no issues or damages to North Anna.

On June 2, 2017, the NRC approved the North Anna Unit 3 combined operating license and record of decision. This will be a completely different reactor design.

The Program is continuing to pursue increases in both X-ray and radioactive fee schedules to accommodate the elimination of general funds. We are stand alone and to be self-sufficient. There has been a notable increase (doubling in radioactive materials device incidents - failed gauges, shutters, etc.) and scrap metal facility calls for assistance year-after-year.

SPS Full Scale Drill (Biennial NRC/FEMA Evaluated Exercise) was held on July 25.

Outreach and training to state, local HazMat teams on radiological response has increased.

NRC conducted IMPEP periodic Meeting on April 25 and the program was found to be “adequate and compatible” with NRC requirements. Virginia will remain on a reduced review frequency (5 year instead of 4 year), with the next full review in late 2019.

December 28, 2016: Radiation source at the I-95 x Rt. 123 interchange in Prince William County was detected. Source was isolated, identified, removed and placed in safe storage until disposal can be arranged. The object was detected by a Prince William County police officer wearing a Personal Radiation Detector. The object was a Cs-137 source from a nuclear density gauge stolen in New York in the 2008 timeframe.

Dominion has proposed (May 3, 2017 meeting) a Tritium (H3) groundwater sampling/ management plan for Surry Power Station.

Jack Storton noted that there was inquiry at the Forum meeting about the opportunity to mine uranium since Virginia has a uranium deposit. The status is that nothing will be happening in the near future. Liberty University has bought the BWXT research center and will start up an engineering program for the development of all energy forms.

**Alabama** – David Walter reported that as of two weeks ago, his department was able to dispose of items accumulated over several decades. There was a large calibrator that EMAs thoughout the country had been given by the DOE. In the 1990s, DOE decided that it would no longer support the program and offered to take back the sources from the states. Alabama decided to keep theirs and continued their program until about two years ago.

There were excess funds last year, and $90,000 was used to transport the waste. It would have cost $500,000 more to dispose of this waste at WCS. The source was transferred to JL Shepherd in California. They can reuse the source as they see fit. CRCPD is pushing to find all these sources, particularly the EMA sources.

WIPP has started up their shipments again, although not through Alabama yet. Training classes for first responders have been offered.

TVA had a pressurized water reactor that was never used near Bellefonte. One of the units was about 90% complete and the other unit was about 70-75% complete when TVA was shut down by the NRC in the mid 80’s. All copper was stripped out in a cost recovery program. NRC gave classes and walking tours there. TVA auctioned off the property. NRC will have two more tours on the property in August that is opened up to first responders and EMA and radiological programs. There are 25 slots per class.

Mr. Walter reported that he received information on comments from NRC regarding an amendment to Browns Ferry to allow them to have a power upgrade to 3952 megawatts (MW) thermal/per unit. These units were originally approved for a little over 3200 MW thermal

They were given an upgrade to 3500 MW thermal about three years ago.

BJ Smith stated that Grand Gulf upgraded to 4400 and increased the cooling capacity.

**Georgia** - Paul Burks reported that Georgia also had an earthquake near the nuclear power plants which measured 3.2. Two units are being constructed near Augusta at Plant Vogtle. Construction being conducted by Toshiba and Westinghouse and there have been problems. With $2.7B in overruns, the project is three years behind schedule.

There are issues as to who is going to finish the facility or if it will be completed. The Public Service Commission wants to support them to finish it. GA power wants to continue the project and may manage the project themselves. Ratepayers pay a yearly fee for Nuclear Cost Recovery costs which runs about $100/year per customer.

**Mississippi** – B.J. Smith reported that there had been a fee increase in Rad Health fees last year. Health Department received a 30% cut from the legislature in the general fees. Health districts went from nine to three regional, a sharp reduction in work force.

WIPP has started again and is working with the states to provide training on the corridors. A full-scale exercise drill with a TRU waste cask will be held in March. The regional WRAP team from Oak Ridge will be coming. It will be held March 23-25, 2018. Training for EMS and first responders will be held.

Our Preventive Rad Nuke Detection Program has been started back up with refurbished equipment from Savannah River. The highway patrol and homeland security are involved.

NRC started letting states know the locations identified in the 1950’s that had non-radium sources.

David Walter commented that there was also 1910-20’s medical radium found.

**Florida** – John Williamson reported that Turkey Point had an NRC licensing board hearing regarding Units 6 and 7. Turkey Point has not asked for permission to charge the ratepayers this year. Mr. Williamson feels they will continue with non-cost prohibitive measures on the license for construction, but it is unlikely that they will continue into the construction phase. It doesn’t make fiscal sense to pursue that at this point.

CRCPD is looking at disposal through the Scatter program. They are looking at the number of CDD calibrators in the United States, many held by the Emergency Management agencies. Florida has four calibrators, and they are expensive to dispose. Florida would like to dispose of two of them through the Program and keep two that are still being used.

Mr. Williamson reported that there is an interesting federal lawsuit taking place in Florida. Florida is the top producer of phosphate mining, with approximately 337 square miles of formerly post-mined phosphate lands. After 1980 these lands were required to be reclaimed before being used for other purposes. Many of these lands have been turned into residential developments.

A recent lawsuit has been filed by a homeowner alleging that Drummond Coal Company knowingly built residences on these lands without notifying anyone or doing any mitigation, relying on 40-year old reports on the gamma values in the area. The suit also alleges that the excess radiation is causing harm to the residents. They are asking for compensation for the harm.

The lawsuit was filed in early March. The department is careful with these issues, not wanting to be seen as encouraging or discouraging. Being proactive, Mr. Williamson’s department conducted surveys for about 2 weeks. Two radiation surveys were done with approximately 40,000 measurements taken on the roads. They did not find anything above normal.

Homeowners also requested tests on their homes. About 50 homes have been done, with nothing found outside of normal background. They found no threat to residents.

From 1980 to 2014, Florida had one alert associated with nuclear power plants. Since 2014, there have been three alerts. It could be attributed to aging equipment or awareness.

Florida’s agency is fully funded by fees. There are no issues with funding, only issues with the legislature cutting FTEs. In the last ten years 10 FTEs were lost, although the work has not lessened. The work has increased including source support for 26 exercises last year. There are two full time trainers employed by the bureau. Last year, 1200 first responders were trained, amounting to 8000 hours of training.

Florida has also developed the Aerial Measurement System (AMS) that provides aerial mapping, tracking a lost source and post-accident mapping. Florida is one of the few states that has this capability.

Contingency planning for the Mars 2020 space launch will soon begin. The bureau is involved in this preparation because it involves RTGs that contain plutonium 238. Contingencies are developed in case there is a launch anomaly and the plutonium is disbursed.

**Tennessee** – Debra Shults reported that TVA is still working on a small modular reactor near Oak Ridge on the Clinch River. Environmental work is progressing.

The fees collected on poundage continues to go down, and processing volume is going down.

Studsvick in Memphis is completely decommissioned. The license has been terminated, and they are trying to sell the property.

The Nuclear Regulatory Commission has two new nominees to fill the two vacant Commission seats.

TVA continues to cut and are cutting out their radiochemistry lab in Muscle Shoals, Alabama.

Ms. Shults noted that WCS is the perfect place to put low-level waste. The Department of Energy has a large cell there and should be sending their waste there. They are trying to build a new landfill in Oak Ridge and are in the formal dispute phase asking for Tennessee’s advice.

**Old Business**

There was no Old Business.

**New Business**

**Report of the Policy and Planning Committee**

John Lanza, Chairman, gave a report on the meeting and presented the Committee’s revised 2014-2023 Strategic Plan (attached) to the Commission for approval by the Commission.

Mr. Lanza also reported that the Committee reviewed the Policy Statement on the Management of Low-Level Radioactive Waste and presented the revised policy statement for approval by the Commission.

**The Commission approved the revised 2014-2023 Strategic Plan.**

**The Commission approved the revised Policy Statement on the Management of Low-Level Radioactive Waste.**

**Report of the Administrative Committee**

Donna Hodges, Chairman, gave a summary of the meeting.

The Committee heard a report from the Ad Hoc Staffing and Review Committee, and the Administrative Committee went into executive session to discuss the report. After the executive session, the Administrative Committee made a recommendation to accept the recommendation of the Ad Hoc Staffing and Review Committee, to retain an HR professional to conduct a review of the staffing needs of the Commission, including salaries and benefits and make recommenda-tions to the Commission. It was further recommended that all salaries and benefits remain frozen at the current levels and that the Commission not enter into a contract with the Executive Director but retain him as an employee.

The Committee discussed the 2017-18 Proposed Budget and recommended it to the Commission for approval.

**The Commission approved the recommendation to accept the Ad Hoc Staffing and Review Committee report and approved the recommendation to retain an HR professional.**

**The Commission approved the budget unanimously.**

Ms. Hodges and Mr. Burks will work on an RFP to be issued by staff. The Ad Hoc Committee will review the submissions and make a selection.

**Presentation**

Debra Shults then made a presentation of a plaque to Mike Mobley related to his many years of service as former Secretary/Treasurer and Chairman. She commended his dedication to the Commission and to the management of low-level radioactive waste.

**Public Comment**

No public comment was offered.

The meeting adjourned at 11:20 a.m.