

September 27, 2016  
Central Midwest Interstate Low Level Radioactive  
Waste Compact Commission  
Annual Meeting  
10:00 am EDT/9:00 am CDT  
Frankfort, KY

1. Call to Order

Chairman Klinger called the meeting to order at 10:05 am. In attendance:

KY participants:

Joseph Klinger - Chairman  
Dewey Crawford – Secretary/Treasurer  
Gary McCandless - Commissioner  
Curt Pendergrass – KY Radiation Health  
Laura Begin – KY Dept. of Public Health  
Michael Klebe – Member of the Public  
Eric Perry – KY Dept. of Public Health  
Matt McKinley – KY Radiation Health

Illinois participants via video conferencing:

None

Participants via telephone:

Adnan Khayyat - Illinois  
Kelly Horn - Illinois

Chairman Klinger thanked the Commonwealth of Kentucky for hosting the meeting and providing video conferencing services. Chairman Klinger introduced KY participants in the room. Introduced Commissioner Gary McCandless that was absent last meeting. Introduced Lori Beagles as the Executive Assistant to the CMCC and member of the Public – Michael Klebe from Klebe and Associates.

2. Adoption of Agenda

Chairman Klinger introduced the Agenda and called for adoption.  
Commissioner McCandless motioned, Commissioner Crawford – 2<sup>nd</sup>

Motion carried.

### 3. Election of Officers

Commissioner Crawford – motion to keep the CMCC officers the same.

Commissioner McCandless – 2<sup>nd</sup>.

Motion carried.

### 4. Adoption of previous meeting minutes (April 26, 2016)

Commissioner Crawford – motion to accept the prior meeting minutes.

Commissioner McCandless– 2<sup>nd</sup>

Motion carried.

### 5. Executive Session

No session

### 6. First Public Comments Period

Mike Klebe from Klebe and Associates introduced himself. He has questions for the CMCC that he thought better presented in person. He thanked the CMCC for the quick response in regards to his recent FOIA request re: NORM/TENORM. He has been following a series of recent newspaper articles regarding the incidents in Kentucky. He was surprised to see that an agenda item was not included. He posed 3 questions of the CMCC:

1. Would the CMCC take enforcement action against the WV originator, broker, and the 2 landfills in violation of the breach?
2. If not, will this set a precedence for future actions?
3. From a consultant point of view – will there be a rewrite of the Regional Management Plan – If the CMCC takes no action?

Mr. Klebe then stated “if the CMCC and Kentucky were not going to take action against dumpers of TENORM he wished to know because he had clients that would like to dump TENORM in Kentucky.” In reply, Commissioners Klinger and Crawford replied that it would not be allowed. The response was also supported and acknowledged by Matt McKinley, Manager of the Kentucky Radiation Control Program.

More discussions were held on all these questions. It was determined that all his questions would be answered during the KY Update agenda item and during the Unfinished Business agenda item.

Some points of interest during this discussion:

1. A recent letter from KY to IL (and others) dated September 20, 2016 – copy attached.
2. Why the CMCC exists and a clearer understanding of the Regional Management Plan and its mandates.

3. Definitive findings are being investigated to determine what occurred and how it occurred to pursue action on behalf of the CMCC
4. KY Attorney General will not seek criminal charges against the violators, but civil penalties are being considered.

Mr. Klebe suggested a resolution by the next CMCC meeting (Spring 2017) with findings being discussed – an agenda item will be added. Mr. Klebe was reminded that ultimately, TENORM is controlled by the individual states.

## 7. Reports

### 1. Chairman Klinger Report:

The Zion Nuclear Power Plant Decommissioning continues. Things are going well.

Chairman Klinger provided a brief update on the Quad Cities / Clinton NPP closures. Exelon will proceed with Clinton PP closure as early as June 2017. Quad Cities NPP is possibly next. 3 of Illinois 11 reactors could begin decommissioning. Chairman Klinger was at a meeting with Exelon CEO who was serving on a panel discussion. The State of NY has plans to try to save a plant there. Interesting dynamics.

Since the last CMCC meeting: Commissioner Klinger attended the CRCPD Annual Meeting in Lexington, KY. Chairman Klinger commended Gary Forsee from the Illinois Rad program; who's been working hard on the CRCPD NORM/TENORM Working Group that continues to make progress and is very productive.

The Disused Sources Working Group (DSWG) that Chairman Klinger chairs meets next month (Nov) during the Fall Low Level Radioactive Waste Forum meeting. The DSWG along with the OAS, Health Physics Society (HPS), the NRC and DoE are working together to tackle initiatives for safety. National and international efforts.

Chairman Klinger provided an update on the IL lost well-logging source. An IEMA press release regarding the assessment of \$50,000 + civil penalties and costs were issued. The FBI and DOE RAP teams were very helpful. Good news is the source was found. Cat 3. Sources: Should there be more enhanced controls on Cat 3? Should states tighten up controls? GAO performed a sting; focusing on Cat 3 sources. Faked a company, asked for licensure, got turned down by a couple of states but TX issued a license. The fake company was able to order supplies and GAO was able to prove their point. Since, the NRC has set up a Working Group to review increased controls. Whatever it takes to better secure sources. Ongoing at a national level.

Another issue: E-34 CRPCD Working Group – survey with industry counter parts on scrap recycling – orphan material - every state handles monitor trips a different way. Can the US be more consistent? Very important initiative

Sheffield: Operations continue. In 2018, in accordance of a court order ownership of the buffer zone property along with its responsibility for oversight, security and maintenance will be transferred to the state of Illinois. Illinois has owned the disposal site property for several years. However, a court settlement agreement stipulation has been in place for some time due to leaching of tritium into the groundwater requiring US Ecology, the former disposal site owners, to acquire a buffer zone, monitor and maintain controls over the release.

## 2. Executive Assistant Report:

Lori Beagles briefed the CMCC on FY16 and FY17 budget items. The annual audit was recently completed for FY16 with no outstanding items. FY17 expenses and revenues expected to stay level with FY16.

## 8. Acceptance of Auditors Report

A clean audit from Estes, Bridgewater and Ogden.

Commissioner McCandless – motion to accept

Commissioner Crawford – 2nd

Motion carried.

## 9. FY 17 Budget

Budget and Revenues expected to stay consistent with FY16 levels

Commissioner Crawford – motion to adopt

Commissioner McCandless – 2<sup>nd</sup>

Motion carried.

## 10. CMCC Annual Report

Discussions on the upcoming FY16 CMCC Annual Report which is due to IL/KY Legislative leaders with 30 days of the CMCC Annual Meeting.

1. KY – Curt Pendergrass has submitted substantial and improved reporting numbers. Kentucky reporting for the report will include more substantial information. Ongoing work to make the reporting more similar with Illinois. Commissioner McCandless was looking at KY Radiation Control website -400 licensees – what percentage are generators? The CMCC needs a good grasp on KY waste. Still need an annual tracking and reporting system in KY – looking to future we may need to do waste projections. National capacity – Host State (IL) may have to do additional analysis re: Regional disposal facility. Demonstrate as host state – be prepared to provide information.
2. IL – Illinois putting tables together for reporting. IL has provided information timely in the past.

It is expected the Annual Report will be submitted timely with updated information.

#### 11. Discussion /Review of the CMCC Regional Management Plan (RMP).

At the previous CMCC meeting a discussion regarding possible changes to the RMP were discussed and each state was asked to provide written comments to the Commission on their concerns and suggestions for needed changes. No written comments were received.

Commissioner Crawford stated he has had several discussions by phone, e-mail, and in person with Curt Pendergrass and Matt McKinley regarding the RMP. Mr. Pendergrass initially had some concerns with the Plan. Are we where we should be? Do we need any adjustments? Is current language correct? Mr. Pendergrass stated that KY is developing TENORM regulations and language. The biggest issue is TENORM levels. Commissioner McCandless stated that flexibility is built into the RMP that provides authority for individual states to stipulate alternative disposal provisions for TENORM wastes. Mr. Eric Perry/KY – had a few questions regarding the RMP: A.) Bore holes for sealed sources? B.) can we better define storage/treatment of TENORM.

The consensus of the technical staffs from Kentucky and Illinois is that there is no need for an update to the RMP at this time. The Commissioners were in agreement and stipulated that a discussion item be included on the meeting agenda annually to review the current adequacy of policies outlined in the Regional Management Plan. Further, it was stipulated that any future suggestions and considerations for RMP changes be submitted in writing to the Commission for review. This is necessary for documentation and clarity to fully understand the basis and necessity for proposed policy revisions. Mr. Perry's suggestions are items to be considered if a re-write of the RMP ever occurs. The CMCC will make a note on the RMP that it was reviewed, with today's date, and be reviewed yearly.

Motion to adopt yearly agenda item: Chairman Klinger, 2<sup>nd</sup>- McCandless. Motion carried.

#### 12. Clinton and QC NPP Shutdown – actions required by the CMCC.

Commissioner McCandless raised questions of any action required by the CMCC should the Clinton and QC NPP shutdowns move forward. According to the historical information in the RMP and later evaluations in 2000 and 2005 by Illinois as Host State, with declining LLRW volumes in the Compact the development of a regional disposal facility is not cost effective until the nuclear power stations are decommissioned. The obligation to build a regional facility was revisited when the announcement of the accelerated decommissioning of Zion Nuclear Station (Zion) occurred. It was determined that the Compact would be unable to site, construct and make operational a regional disposal facility in the decommissioning time frame established for Zion. If and when a final decision to close Clinton and/or Quad Cities is made, the Compact should request that the host state, (Illinois) evaluate the economic viability and time frame required to pursue development of a regional LLRW disposal facility. This evaluation should take into account the current LLRW disposal availability and access costs nationally to CMCC waste generators.

### 13. KY Update on Maxey Flatts and Paducah Gaseous Diffusion Plant

Mr. Pendergrass and Mr. McKinley provided an update on Maxey Flatts and PGDP.

### 14. Unfinished Business

- a. Kentucky: more NORM/TENORM items were discussed in detail. Matt McKinley reiterated Kentucky's position on pursuing civil penalties against the originator, broker and perhaps the landfills that participated in the disposal of TENORM wastes from West Virginia. These actions are in violation of Compact and Kentucky laws prohibiting imports of low level radioactive wastes for disposal as defined by the Compact. Based on the findings in Kentucky's investigation, CMCC will issue correspondence acknowledging its support and authority for actions being taken by Kentucky.

Mr. Klebe was satisfied that all his questions had been answered and he looks forward to resolution.

- b. New Business  
None

### 15. Second Public Comment Period

None

### 16. Next Scheduled Meeting or Announcement:

Dates were discussed. April 4, 2017 was selected for the Spring Meeting. Springfield, IL

### 17. Adjournment

Meeting concluded at Noon. Motion to adjourn: Commissioner McCandless, 2<sup>nd</sup> – Commissioner Crawford. Motion carried.