

September 12, 2023
Central Midwest Interstate Low Level Radioactive
Waste Compact Commission
Annual Meeting
10:00 am EDT/9:00 am CDT
Kentucky Radiation Control
and Webex Meetings

DRAFT

1. Call to Order -

Joseph Klinger called the meeting to order at 10:00 am EDT. In attendance in person:

JP Kelly – KY Commissioner
AJ Bhattacharyya – Kentucky Rad Control
Matthew McKinley- Kentucky Rad Control
Lori Beagles – Assistant to the Compact

Meeting via WebEx

Gary McCandless – Chairman
Adnan Khayyat – IEMA-OHS
Kelly Horn – IEMA OHS
Lance Wilson - IEMA OHS
Michael Klebe – Michael Klebe and Associates
Breezy Coleman – Dept. of Defense – Rock Island Arsenal

Joseph Klinger thanked everyone for joining in person and on-line. Chairman McCandless was unable to attend in person due to injury but on the Webex call. Joe welcomed JP Kelly to the Compact as the new Kentucky Commissioner. Mr. Kelly gave a short background introduction. Joe then introduced others participating via Webex. Chairman McCandless is having audio issues, therefore Joe will lead the agenda.

2. Adoption of Agenda

Joseph Klinger introduced the Agenda and called for adoption and/or changes.
Motion presented and voted on. Motion carried.

3. Election of Officers. Officers will remain the same. JP Kelly will maintain the Secretary/Treasurer role vacated by Dr. Hugh Henry. Motion presented and voted on. Motion carried.

4. Adoption of previous meeting minutes September 13, 2022. No changes. Motion presented and voted on. Motion carried.
5. Executive Session
No session needed
6. First Public Comments Period
Nothing from the public.
7. Reports

- a. Report - Illinois

Chairman McCandless gave a brief report. The CMCC continues in a general oversight role. The CMCC continues to monitor disposal facilities and rulemaking.

Commissioner Klinger serves as an officer of the LLW Forum and mentioned the LLW Forum Fall Meeting, scheduled for October 1-3, 2023, in Salt Lake City, UT. A tour of the Clive facility is being offered on October 1, 2023.

- b. Report - Kentucky

Matt McKinley gave a brief update on Kentucky activities. Matt commended A.J. on his excellent job managing the low-level waste disposal program. Maxey Flatts is in Final Closure with long-term sampling protocols. Kentucky has 313 specific licenses – trending down. They continue to handle spent nuclear fuel transports primarily from Columbia. More details are available in the KY LLRW Management Update.

- c. Executive Assistant Report – Lori Beagles

Fiscal year 2023 details were shared. Nothing out of the ordinary. Fiscal year audit was completed with no issues. Budget lines for Fiscal year 2024 will be similar to 2023 (small increase). We discussed our yearly audit and wondered about changing auditors? Robin Malloy has done ours for nine years. Motions were presented and voted on to approve the Auditors Report and Fiscal Year 2024 Budget. Motions carried.

A brief discussion regarding our investments.

8. Review the Resolution regarding Amendments to the Compact and Regional Management Plan.

At last years Annual Meeting Chairman McCandless introduced and recommended to approve a draft Resolution bringing the CMCC Regional Management Plan (Plan) into compliance with new rules.

Chairman McCandless reviewed the Resolution and provided background on the definition change to By-Product material in the Energy Policy Act of 2005 (EP Act) that added 11 e (3) and 11 (e) 4. This modification resulted in narrowing the definition of low level radioactive waste (llrw) that previously existed in the 1985 LLRW Policy Act Amendments. The EP Act of 2005 also removed CMCC authority to restrict imports and exports of 11E(3) and 11E(4) materials that previously existed in the 1985 Policy Act Amendments for LLRW.

The EP Act of 2005 and the Nuclear Regulatory Commission's Final Rule in 2007 regarding the "Requirements for Expanded Definition of Byproduct Material" presents many issues for the member states of Illinois and Kentucky in regard to Agreement States compatibility and the implications to CMCC's authority and Regional Management Plan (RMP) policy statements are complex.

Moving forward, Chairman McCandless recommends that the CMCC seek a technical contractor to update the Regional Management Plan. Michael Klebe drafted the original plan. The CMCC will consider his help to update the Plan. A Request for Proposal (RFP) will be drafted. Motion presented to move forward with updating the Plan and preparing a RFP. Motion carried.

9. KY LLRW Management Update:

Matthew McKinley provided the following update from Kentucky:

A recent request from Texas Gas to use land farming as the method of disposal of the waste generated by the drilling of test gas wells in KY. The Radiation Health Branch was unable to approve land farming due to the number, and significance of variances to the regulation that would be needed, and therefore did not want to subvert the regulatory process.

Also fixed gauge problems at various coal mines and the fact that the Commonwealth faces, including the problem of funding the retrieval, storage, and transfer/disposal of the devices. Kentucky is currently looking into a mechanism to create a licensee funded account to help offset the expense of this type of circumstance. Matt will discuss with Illinois on rules and fee schedule.

The status of the proposed CERCLA cell at Paducah Gaseous Diffusion Plant site was updated and confirmed that the request is currently on indefinite hold.

Maxey Flats Disposal Site and Kentucky's transition to the Institutional Controls Period (ICP). Data shows that there is an increase in water leaving the trenches based on decay

corrected H-3 levels, and that as H-3 diminishes to the point where we can no longer use it as a marker. Discussed the possibility of using a new marker, such as the gross alpha/beta threshold, which may be used to prompt action if significant changes in this parameter were to occur.

IL LLRW Management Update:

Kelly Horn (IL) gave an update on IL Generators & HRCQ shipments & Radium licensees

Illinois provided licensee reporting for the Annual Report. Based on the Annual Survey, Illinois has 400 active generators.

1009 total HRCQ shipments during the reporting period. The largest shipper was the City of Chicago, surprisingly. With a recent termination of that license, Illinois expects Constellation (Exelon) to be its largest shipper next year.

575 Radium Registrants.

Illinois had a successful Rulemaking year. In addition, Illinois as an Agreement State underwent its Integrated Materials Performance Evaluation Program (IMPEP) review and received the highest ranking. Illinois' next review will be in five years. The Nuclear Regulatory Commission (NRC) review of its LLW program was also found satisfactory (highest ranking). Kentucky noted its next IMPEP review would be in February 2024.

Matt McKinley asked about two incidents at Honeywell recently. Kelly Horn confirmed the incidents but noted the releases were on-site, not off-site.

10. Review of FY 22 CMCC Annual Report

Lori Beagles thanked AJ Bhattacharyya (KY) and Cheryl Head (IL) for providing information for the Annual Report in a timely manner. The Report is due to IL and KY legislators within 30 days of the Annual Meeting. She asked Commissioner to review and provide any edits/suggestions. The report will be finalized and placed on the CMCC website and notifications will be made of its availability.

11. Review of CMCC Bylaws

The yearly review warranted no changes.

12. Other Business

None

13. Second Public Comment Period

None

14. Next Scheduled Meeting or Special Meeting of the CMCC

Calendars were consulted. September 17, 2024 was presented as a tentative date for the Annual Meeting, in Springfield, IL.

Adjournment at 11:05 am EDT.