

September 21, 2021
Central Midwest Interstate Low Level Radioactive
Waste Compact Commission
Annual Meeting
10:00 am EDT/9:00 am CDT
Meeting held in person (Kentucky Radiation Control)
and Webex Meetings
DRAFT

1. Call to Order

Chairman McCandless called the meeting to order at 10:00 EDT. In attendance in person:

Gary McCandless - Chairman
Joseph Klinger – IL Commissioner
Dr. Hugh Henry – KY Commissioner
AJ Bhattacharyya – Kentucky Rad Control
Matt McKinley -Kentucky Rad Control

Meeting via WebEx

Lori Beagles – Executive Assistant
Daniel Shrum – LLW Forum
Adnan Khayyat – IEMA
Kelly Horn – IEMA
Rodney Pitchford – IEMA
Cheryl Head – IEMA
Kelly Grahn – IEMA
Gary Forsee – IEMA
Mary Burkhart – IEMA
Louise Conway - IEMA
Michael Klebe- Klebe and Associates

Chairman McCandless thanked everyone for joining in person and on-line.

2. Adoption of Agenda

Chairman McCandless introduced the Agenda and called for adoption and/or changes.
Motion carried.

3. Election of Officers. Officers will remain the same. Motion presented and approved.
Motion carried.

4. Adoption of previous meeting minutes (March 30, 2021). Motion carried.

5. Executive Session
No session needed
6. First Public Comments Period
Nothing from the public. Gary introduced others on the call
7. Reports

- a. Chairman McCandless Report - Illinois

Chairman McCandless provided an update 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.

CMCC retained a legal firm to analyze the ramifications of the Policy Act modifications, and received a draft legal opinion on the Federal Statutory Authority to require CMCC to adopt and apply these changes to its governing documents.

The Commissioners moved to prepare a Resolution to be considered at its March 2022 meeting recognizing the statutory requirements of the LLRW Act and EP act and NRC regulations, as it relates to LLRW and NARM materials. The Commission will undertake an evaluation and review of CMCC policies, regulations and the RMP and will enact the amendments necessary to ensure full compliance with all applicable federal law and to protect public health and safety.

Matt McKinley (KY) asked about what changes IL/KY will see – specific to 11e(3) & 11e(4).

Kelly Horn (IL/IEMA) provided some background and interpretation.

A motion was presented to pursue a Resolution to clarify. Motion carried. A draft resolution will be available by next meeting and shared with interested parties.

Michael Klebe shared some background on Public Law 99-240 99 stat. 1842, dated January 15, 1986 regarding the Waste Policy Act to improve procedures for implementation of compacts providing for the establishment and operation of regional disposal facilities. Chairman McCandless will provide this statute and appropriate sections with attorneys.

Joseph Klinger (IL) shared information on the next LLW Forum meeting – scheduled for October 13-14, 2021 and the Disused Sources Working Group on October 15, 2021. Denver, CO at the Magnolia Hotel. Information available on the Forum’s website. An on-line option is also available

b. Hugh Henry – Kentucky Report

Dr. Henry asked Matt McKinley to give a short report. KY goal continues to focus on TENORM regulations. One additional issue that has risen is a downturn in coal production. Changing of hands/closure/bankruptcy. Contractors and speculators coming in to decommission. Fixed gauges on-site and worry about proper disposal. Working to gain “first rights” to Reclamation Bond to assist with any potential problems with any orphan sources.

Mary Burkhart (IL) added that Illinois has had a few termination of license for coal facilities but has seen no problems arise.

c. Executive Assistant Report – Lori Beagles

Fiscal year 2020 details were shared. Nothing out of the ordinary. Fiscal year audit with no issues. Budget lines for Fiscal year 2021 will be similar to 2020 with additional line for attorney fees. Motions presented to approve the Auditors Report and Fiscal Year 2021 Budget. Motions carry. Dr. Henry asked about a “shared expense” with other Compacts regarding the legal opinion.

8. KY LLRW Management Update:

AJ Bhattacharyya gave an update on KY activities and licensees. Matt McKinley gave a short updated on the Paducah Gaseous site.

9. IL LLRW Management Update:

Cheryl Head (IL) gave an update on IL Generators, HRCQ shipments, and Radium licensees.

Michael Klebe asked about the status of the Radium Residual Draft Rulemaking.

10. Review of FY 21 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. Other Business

a. Annual Review of the CMCC bylaws

The yearly review warranted no changes.

b. Review of the CMCC Investment Policy

Lori Beagles provided an update on current investments and the dissolution of our Merrill Lynch Investment Account. Gary McCandless provided some background and the policy will be updated with additional investment language. A motion was presented and approved. Motion carried.

12. Second Public Comment Period

None

13. Next Scheduled Meeting or Special Meeting of the CMCC

Calendars were consulted. March 29, 2022 was presented as a tentative date for the Spring Meeting.

14. Adjournment at 10:30 am EDT.