# Meeting Minutes

**Northwest Interstate Compact**
**On Low-Level Radioactive Waste Management**
**Committee Meeting**

**Hampton Inn, Richland, Washington**
**October 1, 2024**
**9:00 am – 4:00 pm (PST)**

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1. **Call to Order / Intro – Chair**

2. **Roll call – Chair**

**<u>Committee Members in Attendance</u>**
**Earl Fordham, Washington, Chair/Executive Director**
**Neil Lehner, Alaska**
**Gabrielle Fenix Grange, Hawaii**
**Daryl Sawyer, Idaho, Alternate**
**Matt Hendrickson, Oregon**
**Jalynn Knudsen, Utah, Alternate**
**Brandi O'Brien, Wyoming**
**Ross Barnes, Montana**

**<u>Other Attendees</u>**
**Kristen Schwab, Alternate Executive Director, Northwest Compact**
**Cheri Kennedy, Admin Support, Northwest Compact**
**Lilia Lopez, General Counsel, Northwest Compact**
**Alicia Boyd, State of WA Department of Ecology**
**Theresa Howell, State of WA Department of Ecology**
**John Price, State of WA Department of Ecology**
**Vern Rogers, Energy*Solutions***
**Daniel Shrum, LLW Forum, Inc.**
**Douglas Frenette, Republic Services Richland, WA**
**Leonard Slosky, Executive Director, Rocky Mountain LLRW Board**
**Gregorio Rosado, State of WA Department of Health, Project Lead for LLW Facility**

3. **Compact Business – Executive Director, Earl Fordham**
    a. Approval of Agenda. Motion to approve agenda given with second following. All in favor.
    b. Approval of minutes from October 1, 2024, meeting. Motion to approve given with second following. All in favor.
    c. Virtual Meeting. Should meetings be held virtually for cost effectiveness or in person.
    d. Governor appointing letters. The importance of each state providing designating primary committee and alternate members.
    e. Transfer of Activities Update. Reminder the current Executive Director/Chair will be retiring with Kristen Schwab taking over the role.

f. Staffing Changes. Transfer of Executive Director/Chair roles from Earl Fordham to Kristen Schwab.

**4. Party State Reports - committee members**

a. LLRW Disposal Concerns – no disposal concerns.

**5. Low-Level Radioactive Waste Compacts - Leonard Slosky, Rocky Mountain Compact**

a. What is a Compact. Unique instrument in U.S. law, agreement (contract) between states (and federal government), State law, Federal law, not a federal agency, independent from the NRC, recognized in U.S. Constitution. Provided a bit of history.
b. Low-Level Waste Policy Act of 1980. It is the policy of the Federal government that each state is responsible for LLW disposal, LLW can be most safely and efficiently managed on a regional basis. States may enter into compacts to provide for regional disposal facilities; compacts did not take effect until Congress, by law, consented to the compact.
c. Low-Level Waste Policy Amendments Act of 1985. Identified wastes states and Federal government are responsible for, preserved Federal authority over DOE waste/federal disposal sites, did not authorize compacts to regulate packaging and transportation, health and safety, inspect NRC licenses and classified facilities, etc., transition period through 1992.
d. Intent of LLW Compacts. Allow states to control waste flows, particularly import, allow small generating states with disposal sites to limit waste import, and waste disposal burden shared more equitably, NWIC limits which states have access.
e. LLW Compacts upheld by Federal courts. U.S. Supreme Court and 10th Circuit Court of Appeals.
f. Ten LLW Compacts. All have authority to control waste import, all but NWIC have authority to control waste export, considerable variation between compacts and implementation, most incorporate 10 C.F.R. Part 61 definition of LLW with Rocky Mountain having broader definition, two regulate NORM/TENORM (Rocky Mountain and Central Midwest).

**6. Update on Legal Issues - Lilia Lopez, Compact Counsel**

a. Status Update. This compact has a contract with the Rocky Mountain compact for access to the Richland disposal facility.
b. By-Laws. Establish how the committee needs to vote in any situation, among other things. The By-Laws can be accessed through the NWIC website, https://www.nwcompact.org.
c. Amended Resolution. The Third Amended Resolution and Order is a legal document that establishes the agreement regarding access to the Energy*Solutions* Clive UT

disposal facility. It can be accessed through the NWIC website, https://www.nwcompact.org. It addresses the fact that there are two facilities within our compact, and at the same time supports the national approach that Leonard explained, ensuring that all the states had somewhere for their waste to go. The Third Amended Resolution and Order allows out of region Class A waste disposal at Clive, while disposal at the Richland facility is limited to in-region waste. Compact law allows the compact to enter arrangements with any other compact that doesn't have its own facility, allowing their waste to come into this region, if approved by the Committee.

**7. NRC Update - Dan Shrum, LLW Forum Executive Director**

a. Part 61 Update including GTCC Waste. To the commission with GTCC included. The NRC is currently reviewing proposed rulemaking to revise the LLRW disposal regulation in Title 10 to the Code of Federal Regulations (10 CFR) Part 61. This rulemaking introduces site-specific performance assessment and inadvertent human intrusion analysis requirements.
b. Very Low Activity Waste.
c. WCS Update. Dan stated WCS has multiple disposal cells. A RCRA cell that the Texas Compact does not regulate, and a federal disposal cell which they also do not regulated. Dan stated they may be changing this but, in the signoff by the DOE, they would only take DOE waste at a DOE Facility.
d. LLW Forum activities and meetings. Meetings are semi-annual and hybrid. Upcoming activities, Texas/Vermont Compact Management Rule, Waste Management sessions on proposed rule, RadWaste Summit 2.0 and EPRI training.
e. Disused Sources working group (DSWG). GAO work

**8. Utah - Activities Overview - Jalynn Knudsen, Utah**

a. Clive Facility licensing, compliance and operations activity monitoring. Federal Cell: application August 4, 2022 ongoing review and 2nd round request for information; RAM license renewal: application to renew UT2300249 October 12, 2012 timely renewal review prioritized; Low Activity Cell: application April 8, 2020 ongoing review and request for information – on hold; Amendment 28: addition to the East Side Rotary Dumping Facility to the Radioactive Material License and Groundwater Quality Discharge Permit
b. Energy*Solutions* Oversight. Discussed Mixed Waste Disposal Cell (Part B), 11e.(2) byproduct Disposal Cell, proposed Low Activity Disposal Cell, proposed Federal Disposal Cell (DU), LLRW Disposal Cell.

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**9. Idaho Updates - Daryl Sawyer, Idaho**

a. New issues. Hired a heath physicist to oversee the Grand View Facility directly. This position will involve doing inspections and reviewing the required permitting reports from the facility. This position has been needed for several years but unable to fill due to the agency lacking funding. Approval from downtown finally came through for this position. Last year US Ecology entered into a partnership with Qaltech Associates. Qaltech had been issued a transfer/storage permit license from NRC at the US Ecology Rail Transfer Facility to transfer some waste to the Grand View Facility. This partnership has been dissolved with the understanding US Ecology will pursue the license for this transfer/storage facility. Grand View has been working on a blanket alternative disposal request from NRC. The blanket alternative disposal request would allow for any waste that falls into the authorization to be disposed of at USEI. During the 2023 calendar year, the site received and disposed of 48,000 tons of material. Kristen asked why they go by weight and not volume. Daryl replied it's how they report which was the easiest number to provide, however he could dig into it and get the cubic yards if needed.

**10. WA State Updates - Kristen Schwab, Alternate Chair**

a. Framatome Ash. Has been tracked for some time. Back in 2015 they were checking reports on how much ash they had on site which hasn't been for approximately five years.

b. US Ecology Oversight/WA State Activities. Gregorio Rosado reported on the regulatory oversight of the facility for calendar year 2023 and 2024. November 2023 amended the license to include added testing for several sources and milestones for site dates for stabilization. For the LLW Facility inspections: in 2023 there were seven inspections conducted with 4 citations issued for level of efficiency. In 2024, there were three inspections with no citations issued. For the LLRW Disposal Facility, DOT overview for 2023, two calls made by the department, two letters issued and 1 suspension with all being resolved. For 2024, one suspension issued by DOH is currently unresolved due to the permit holder that had shipping and transport vehicle in conjunction with an incorrect manifest dose rate.

**11. Energy*Solutions* – Activities Overview, Vern Rogers, Energy*Solutions***

a. LLRW Disposal Volumes. Approximately 3.3 million cubic ft and 173 thousand curies of LLRW were disposed of in 2023. Volume and radioactivity of waste vary from year to year based on the types and quantities of waste shipped.

b. Clive Facility Capabilities. Class A LLRW: containerized waste, large components, bulk waste; Class A mixed waste: stabilization, amalgamation, microencapsulation, Thermal Desorption (VTD). Discussed asbestos, PCBs, and 11e.(2). Overview of Clive layout was given.

c. Facility Updates. Licensing update: Amendment 26 capacity limitation, sealed source disposal (Amendment 27), new Low Activity Waste Cell (Amendment under review), Federal Cell Facility for depleted uranium and federally generated LLRW (license application under review), license and permit renewal discussed.
d. Upcoming Challenges. Capital improvements discussed for East Side Rotary Facility, Evaporative storage, LLRW cover construction, mobile equipment fleet upgrades, and long-term crane lease.
e. Completed D&D Projects: La Crose, SEFOR, and ZIONS.
f. Full Integration of WM and D&D Operations: Discussed Logistics, Processing and Treatment, Treatment & Disposal and Turnkey D&D and Remediation.
g. Significant D&D Pipeline: Three Mile Island Unit-2 Nuclear Power Plant, NS Savannah, Fort Calhoun Nuclear Generating Station, Kewaunee Nuclear Power Station, and San Onofre Nuclear Generating Station.

**12. Public Comment – Nothing to Report**

**13. US Ecology - Activities Overview - Douglas Frenette, Republic Services**

a. Disposal Volume Summary. Richland Facility has received annual average volume of ~20,200 ft3 (2013-2023), approximately 50% of volume is generated at Energy Northwest Columbia Generating Station, prior to LLRWPA of 1985, annual average volumes were much larger: ex. 1981 ~ 1,440,000 ft3, ample capacity remains to support generator needs through 2056.
b. Facility Capacity. Breakdown given for 2023 and 2024 LLRW, NARM, and Exempt. Remaining source term and percentage breakdown for each radionuclide provided.
c. 2024 Revenue Requirement. Richland USEW operates under a base revenue requirement (RR), submitted for approval by WUTC every 6-years, facility cost of operation @ 71% operating ratio, annual adjustments to RR base allowed on core inflation metrics, uncollected amounts in a category (volume, shipments, containers, etc.) may be rolled over into next year's RR, overcollection results in refunds to all generators that shipped waste that calendar year. Percentages provided for 5 categories: site availability (22%), volume (31.6%), shipments (10.7%), containers (21.5%), dose rate (14.2%). Revenue requirements for 2018 – 2024 provided.
d. Facility Updates. Historical volumes and source term updates for total site volume disposed and total site source term discussed. Radioactive Material License and accepted waste WDOH license #WN-I019-2, Amendment 43 expires July 31, 2027. Accepted waste Class A, B, and C LLRW in the Northwest and Rocky Mountain Compacts, NORM/TENORM/NARM acceptable from generators nationwide, high activity sealed source capabilities, all waste arrives by truck.

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**14. Hazardous Waste Investigation at US Ecology - Alicia Boyd, WA Department of Ecology**

a. Provided overview of the US Ecology MTCA Investigation

**15. Round Table - Kristen Schwab, NWIC Executive Director**

a. Member State Challenges. Kristen asked if the eight member states had a topic they wanted to discuss. Doug mentioned there hasn't been a lot of industry growth but there seems to be tangible growth with the small modular and micro reactors. Wyoming and Allison AFB in Alaska are joint pilot projects that will be regulated by NRC or the agreement state. Concern about what type of waste or volumes would come to Richland. Seeing a lot of applications for these and the two that are mentioned are the most tangible ones in the short term. There were some contract issues but moving forward again. Revision of the regulations for site locations to accommodate some different things may need to occur.
b. Open discussion. Continued discussion on waste and volume and concerns on what occurs when the host site no longer can accept waste. Do we just hand it to another state? Need to work with legal to get a better understanding of everything that's involved and be able to present it to the eight member states so we can understand.
c. 2025 Compact Meeting. Kristen asked if any of the states present would like to have the meeting in their state because there's something you want to show us. If anyone was interested in seeing the *EnergySolution* site, Clive Utah wouldn't mind hosting the meeting there. The idea of holding the annual NWIC meeting in conjunction with the LLW Forum meeting was discussed. Locations of where the last several meetings were hosted were discussed. Several states were mentioned but the meeting closed with no official committee vote.

***** Meeting Adjourned *****