

Southeast Compact Commission Annual Meeting

June 28, 2022

The Commission met at the offices of the Georgia Environmental Finance Authority at 47 Trinity Ave SW, Fifth Floor, Atlanta, GA 30334. Chair-Elect Donna Hodges noted that a quorum was present, and Chairman John Williamson called the 114th meeting of the Commission to order at 9:15 a.m.

Members Present

John Williamson (Chairman), Donna Hodges (Chair-Elect), Paul Burks (Secretary/Treasurer), David Turberville, Karl Frost, Debra Shults, Jack Storton, Lea Perlas

Staff Present

Tom Hansen

Also Present

Les Foldesi, Alternate Commissioner, VA

Dan Shrum, Executive Director, LLW Forum

Russ Meyer, Technical Assistant to the Executive Director, CRCPD

Public Comment Pertaining to Agenda

No members of the public were present.

Approval of Minutes

Karl Frost made a motion to approve the minutes of the June 11, 2021, meeting. Paul Burks seconded the motion, and Chairman Williamson called for a vote on the motion which was unanimously approved.

Executive Director's Report

Tom Hansen, Executive Director, reviewed the agenda items for the meeting offered a presentation covering the following topics:

- 10 Part 61 and Greater Than Class C (GTCC)/Transuranic Waste (TRU) Rulemaking
 - NRC is combining these efforts to address overlapping technical requirements, streamline stakeholder outreach, and gain efficiency in proceeding as one rulemaking activity
 - NRC Staff were waiting for Commission Direction on SECY-20-0098
 - Option 1: Issue a re-proposed rule that consolidates and integrates GTCC waste and 10 CFR Part 61 LLRW rulemaking activities

- Option 2: Discontinuation of the GTCC waste rulemaking and completion of 10 CFR Part 61 Revised Part 61
- Very Low-Level Waste (VLLW) Developments
 - VLLW Scoping Study SECY-21-0057 (June 1, 2021)
 - Concludes that NRC plans to continue with the current regulatory framework and will continue to evaluate potential enhancements within the existing VLLW regulatory framework
 - Alternative Disposal Requests Guidance
 - Issued revised guidance on April 9, 2020 (ADAMS Accession No. ML19295F109)
 - Proposed interpretive rule related to 10 CFR 20.2001 “authorized recipient”
 - Withdrawn, 85 FR 81849
- Consolidated Interim Storage Facilities (CISFs)
 - NRC received two applications to construct and operate CISFs for spent nuclear fuel. The applications are for specific licenses that would be issued under 10 CFR Part 72.6, “Types of Licenses”
 - WCS Consolidated Interim Storage Facility - Andrews County, Texas license issued on 09/13/2021
 - HI-STORE Consolidated Interim Storage Facility – Lea County, New Mexico still under NRC’s review
- Revised NRC Uniform Waste Manifest
 - On June 25, 2021, the U.S. Nuclear Regulatory Commission (NRC) published a Federal Register Notice (86 FR 33783) announcing that the revised Uniform Low-Level Radioactive Waste Manifest (UWM) Forms, consistent with NUREG/BR-0204, Revision 3, are available
 - As noted in the FRN, the forms had a 90-day implementation period and users should have transitioned to the revised forms on or before September 23, 2021
 - The following changes were made between Revision 2 and Revision 3 of NUREG/BR-0204:
 - Updated instructions to reflect changes to the Uniform Manifest forms
 - Updated references to DOT regulations to reflect the current regulations
 - Added additional discussion on the reporting of inventories based on lower limit of detection values, the potential use of indirect methods to determine these inventories, and the use of indirect methods in waste classification calculations
 - Added clarification of the intent of the certification statement on Form 540
 - Made overall improvements to the clarity of the document

- Financial Assurance for Sealed Sources
 - On April 28, 2022, the NRC published in the Federal Register a request for comment on the regulatory basis to support a rulemaking related to Financial Assurance for sealed and unsealed radioactive materials
 - The rulemaking would revise NRC's decommissioning funding requirements for radioactive material based on the relative risk to public health and safety from different radioisotopes, including naturally occurring and accelerator-produced radioactive material

- Important Disposal Site Updates
 - Waste Control Specialists (WCS)
 - Amendment 34 to its license #R04100 issued on May 18, 2020
 - At least in part, the amendment results in increased limits for its “exempt” cell
 - US Ecology
 - Acquired by Republic Services on May 2, 2022, for \$2.2B
 - Submitted an amendment request for increased limits at its Idaho site and is waiting on confirmation from the State that they will enter the formal public process
 - EnergySolutions
 - Clive disposal site to seek approval for “exempt” cell(s)

- Disused Sources Working Group (DSWG)
 - As of its last meeting (April 2022), DSWG is considering two initiatives as follows
 - Creating an incentive for the disposal of disused radioactive sources (i.e., a financial disincentive)
 - Addressing sealed source concerns through the license inspection process

- Meetings and Conferences Attended
 - LLW Forum Spring Meeting (also DSWG); San Antonio, TX; April 6-7, 2022
 - Attended by Commissioners Jack Storton and Lea Perlas and Executive Director Tom Hansen
 - Commissioner Debra Shults and members of her staff attended virtually
 - 2022 Waste Management Symposia; Phoenix, AZ; March 7-10, 2022
 - Attended by Commissioner Jack Storton and Executive Director Tom Hansen
 - The Executive Director made presentations at the following other events that were funded by others:
 - ANL Decommissioning Training Course; Las Vegas, NV; March 21-24, 2022
 - ANL Decommissioning Training Course; Santa Fe, NM; May 10-12, 2022
 - DOE Packaging Certification Program (PCP) Decommissioning Training Course; Lemont, IL (virtual); June 6 – 10, 2022

- Upcoming Meeting and Conferences
 - 67th Annual HPS Meeting; Spokane, WA; July 17–21, 2022
 - LLW Forum Fall Meeting; Baltimore, MD; October 12-13, 2022
 - RP-ALARA Association Meeting; Key West, FL; January 23-25, 2023
 - 2023 Waste Management Symposia; Phoenix, AZ; February 26 – March 2, 2023
 - LLW Forum Spring Meeting; Charleston, SC; April 2023
 - 2023 Radwaste Summit; Las Vegas, NV; June 2023
 - 2023 SECC Annual Meeting Planning; proposed location is Knoxville, TN in April 2023
 - 2023 SECC Annual Meeting; proposed location is Gulf Shores/Orange Beach, AL in June 2023

Treasurer’s Report

Secretary/Treasurer Paul Burks summarized discussions that were had the previous day by the Finance Committee in its meeting including updates that were provided by Bynum Satterwhite of Raymond James, the Commission’s investment firm, and Dan Lavelle, a partner at Williams Overman Pierce, LLP, the Commission’s accountant. Key updates were as follows:

- The Commission expects approximately \$335k in revenue from its investments in FY 2022. This is sufficient revenue to cover the Commission’s expected annual expenditures for FY 2023. Moreover, the Commission’s investments rely on a ladder strategy, with several investments maturing soon. With interest rates increasing, this means that matured investments will be reinvested at higher interest rates; thus, the revenue for FY 2023 is expected to surpass what was earned in recent years.
- Paul Burks and Tom Hansen will meet virtually with Dan Lavelle to discuss a strategy for transitioning the Commission’s accounting from “cost basis” to “fair market value” which is in line with generally accepted accounting principles (GAAP). Because the Commission’s Bylaws already state that accounts shall be recorded and maintained based upon generally accepted accounting procedures, this is not a change that requires a vote of the membership.
- It was noted that the planned accounting change will result in what appears to be a large loss on the balance sheet for FY 2022, but that any losses are administrative only as the investments upon which the accounting is based have not changed.

State Reports and Liaison Reports

Each member state was provided a few minutes to speak on items of interest. Items related to the Commission’s mission are concisely summarized below.

- **Alabama** – David Turberville provided Alabama’s report. David is retiring in a few weeks from Alabama’s Department of Public Health, and when he does, he will resign from the

Commission. Myron Riley, an Alternate Commissioner from Alabama, is also retiring and relinquishing his involvement with the Commission.

- **Florida** – John Williamson provided Florida’s report. Waste shipments continue to be made from the Crystal River decommissioning project to EnergySolutions at a rate of a couple/few train shipments per month.
- **Georgia** – Paul Burks provided Georgia’s report. Kevin Clark is retiring from Georgia’s Environmental Finance Authority in a few days, and when he does, he will resign from the Commission.
- **Mississippi** – Donna Hodges provided Mississippi’s report. Although he is not a Commissioner or Alternate, B. J. Smith has retired from his position as Director of Mississippi State Department of Health’s Division of Radiological Health.
- **Tennessee** – Debra Shults provided Tennessee’s report. Ultra Safe Nuclear is opening a facility in Oak Ridge in the East Tennessee Technology Park (ETTP). The facility will produce fuel for testing and qualification for use in Ultra Safe Nuclear’s advanced Micro Modular Reactor energy system. American Centrifuge has also opened a 440,000 square foot technology and manufacturing center in Oak Ridge.
- **Virginia** – Jack Storton provided Virginia’s report. Former Virginia Commissioner Steve Harrison retired from his position as Director of Virginia Department of Health’s Office of Radiological Health.

The following concise reports were made from the liaisons with professional organizations with which the Commission associates.

- **Conference of Radiation Control Program Directors (CRCPD)** – Alabama Commissioner David Turberville provided the liaison report. CRCPD held its conference in May where it provided an update on the Source Collection and Threat Reduction (SCATR) Program. The program is expected to continue without any changes to its existing procedures.
- **Health Physics Society (HPS)** – The Commission does not have a regular liaison to the HPS. Since Tom Hansen regularly attends HPS meetings, he will provide a report going forward.
- **Organization of Agreement States (OAS)** – Tennessee Commissioner Debra Shults provided the liaison report. A recent focus of the OAS has been the relationship between states and the NRC. The organization’s next meeting is in August in Fort Worth, Texas.

- **Nuclear Energy Institute (NEI) and Southern States Energy Board (SSEB)** – Virginia Alternate Commissioner Herbert Wheary is the liaison to these organizations, but Mr. Wheary did not attend the Commission’s annual meeting so no report was made.

New Business

- **Report of the Finance Committee.** Paul Burks, Chairman of the Finance Committee, stated that his Treasurer’s report earlier conveyed the important information that was discussed by the Committee. He reiterated that the Commission’s finances are in a strong position. He also reviewed the FY 2023 budget proposal that was agreed upon by the Committee, noting that the budget included a \$40k line item for piloting work with CRCPD to collect disused sources from the region and increases to the budgets for both Commissioner and staff travel due to relaxation of COVID-19 travel restrictions.
- **Report of the Administrative Committee.** Jack Storton, Chairman of the Administrative Committee, presented a proposed FY 2023 budget of \$260,175 as follows and recommended that the Commission approve the budget.

SALARIES AND BENEFITS.....	\$75,000
LEGAL & PROFESSIONAL FEES	\$28,400
COMMISSION TRAVEL	\$60,000
STAFF TRAVEL/CONT. ED.....	\$25,375
RICHARD S. HODES AWARD PROGRAM	\$8,000
TELECOMMUNICATIONS	\$1,000
INSURANCE	\$20,000
POSTAGE.....	\$400
GENERAL OFFICE.....	\$2,000
DISUSED SOURCES	\$40,000

Paul Burks moved to approve the budget and Donna Hodges seconded the motion. Chairman Williamson called for a vote, and the budget was unanimously approved.

- **Report of the Policy and Planning Committee.** David Turberville, Chairman of the Policy and Planning Committee, indicated that the Committee believed that improvements to the strategic plan are needed and that Tom Hansen will draft a revised plan for Commission review and approval. Specifically, he stated that improvements to the plan should include changing references from “staff” to “Executive Director”, removing the requirement that Commissioners attend four national meetings, and adding a new goal encouraging each member state to maintain a full complement of Commissioners and Alternates. Donna Hodges moved to have the strategic plan revised, and Debra Shults seconded the motion. Chairman Williamson called for a vote, and the motion was unanimously approved.

Action Item – Tom Hansen will draft a revised strategic plan, and the revised plan will be presented and discussed at the Commission’s next meeting.

David Turberville also advised the Commission that since he is retiring soon, a new Chairperson of the Policy and Planning Committee is needed.

Action Item – The Policy and Planning Committee will designate a new Chairperson at its next meeting.

- **Next Meeting Location.** A desire to provide each member state an opportunity to host the annual meeting was discussed. Although no motions were made, Tom Hansen proposed that the next meeting be held in Alabama, and there was general agreement that this would be acceptable.

Action Item – Tom Hansen will investigate meeting locations in Alabama and will report back to the Commission in spring 2023 at which time a decision on the meeting location will be made.

Elections

Chairman John Williamson asked for nominations for Chair-Elect and Secretary/Treasurer. Karl Frost expressed an interest in serving as Chair-Elect, and Paul Burks agreed to serve another term as Secretary/Treasurer.

Paul Burks moved to nominate Karl Frost to serve as the Commission’s Chair-Elect. David Turberville seconded the motion. Chairman Williamson called for a vote, and Karl was unanimously elected to the position.

Donna Hodges moved to nominate Paul Burks to serve another term as the Commission’s Secretary/Treasurer. Debra Shults seconded the motion. Chairman Williamson called for a vote, and Paul was unanimously elected to the position.

Public Comment

No members of the public were present; thus, there was no public comment.

Adjournment

Donna Hodges moved to adjourn the meeting and Paul Burks seconded the motion. Chairman Williamson called for a vote, and the meeting was unanimously adjourned at 11:40 a.m.