



Douglas A. Ducey
Governor

Brian D. Goretzki
Interim Director



Date: October 17, 2016

To: ALL ARIZONA GENERATORS OF LOW-LEVEL RADIOACTIVE WASTE

Subject: MANDATORY EXPORT PETITIONS AND DISPOSAL REPORTS FOR DISPOSAL OF RADIOACTIVE WASTE (LLRW)

The Arizona Radiation Regulatory Agency has recently been advised that some of this State's generators of Low-Level Radioactive Waste (LLRW) have not been complying with certain laws governing the disposal of LLRW outside of Arizona. The purpose of this notice is to remind LLRW generators of the need to submit a petition to the Southwestern Low-Level Radioactive Waste Compact Commission (SWLLRWCC) for an export permit, prior to shipping LLRW outside of this State. This notice is also to remind LLRW generators of the need to file a follow-up disposal report with the SWLLRWCC after out-of-state LLRW disposal.

The SWLLRWCC's authority is based on both Federal law (Public Law 100-712) and State law (Arizona Revised Statutes §30-721). The Commission is responsible for ensuring that LLRW is safely disposed of and managed within the compact region. Export Petitions and Follow-up Disposal Reports are mandatory (i.e., legally required). The petitions and reports allow the Commission to verify that all LLRW shipped out of Compact boundaries has in fact been shipped to an authorized processor or disposal facility. This includes all shipments of sealed sources.

Regarding the export of LLRW out of the state, Article 3, sub article (G)(20), of both the above-cited laws states: "The Commission may, upon petition, allow an individual generator, a group of generators, or the host state of the Compact, to export LLRW to a low-level radioactive waste disposal facility located outside the compact region. The Commission may approve the petition only by a two-thirds vote of the Commission. The permission to export LLRW shall be effective for that period of time and for the amount of LLRW, and subject to any other term or condition, which may be determined by the Commission."

Absent Commission approval of an export petition, Arizona-generated LLRW may not be shipped outside the State for processing or disposal. This provision is being violated by some Arizona generators. In those cases where the SWLLRWCC has evidence of intentional violation, such violation may be referred to the office of the Arizona Attorney General. Such violations may also result in the SWLLRWCC prohibiting the violator from receiving an approved petition for additional shipments in future years. Furthermore, non-compliance will result in the notification by the SWLLRWCC to all processors, authorized disposal facilities, and the U.S. Nuclear Regulatory Commission (NRC), of a generator's violation of Compact law.

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For contact and additional information, the recipient is directed to the SWLLRWCC Web site: www.swllrwcc.org. See Exportation Policy, Requirements in the Bylaws and Petition Forms.

Sincerely,

Brian Goretzki
Interim Director
Arizona Radiation Regulatory Agency