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# **Midwest Interstate Low-Level Radioactive Waste Compact Commission**

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## **Annual Report**

for the period from July 1, 2008 to June 30, 2009

**A Report to the Citizens of the Midwest Compact Region  
on the Activities of the Midwest Interstate Low-Level  
Radioactive Waste Compact Commission**

November 2009



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# Midwest Interstate Low-Level Radioactive Waste Compact Commission

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## Annual Report

for the period from July 1, 2008 to June 30, 2009

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# Introduction

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An interstate compact is a formal agreement between two or more states. Under Article 1, Section 10 of the U.S. Constitution, states may form compacts with the consent of Congress to resolve conflicts or address common problems. More than 120 such compacts have focused on various subjects, including water, education, transportation, fisheries, health, and waste.

The Midwest Interstate Low-Level Radioactive Waste Compact is an agreement between the states of Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin that provides for the cooperative and safe disposal of commercial low-level radioactive waste. The Compact was enacted into law by each member state legislature during the period from 1982 through 1984, and received Congressional consent in 1985.

During the late 1970s, prior to formation of the Compact, all of the nation's low-level radioactive waste was shipped to three disposal facilities located in Nevada, South Carolina, and Washington. With the support of the National Governors' Association and the National Conference of State Legislatures, these three states demanded a more equitable distribution of waste disposal responsibility and development of new disposal facilities. Congress responded by enacting the Low-Level Radioactive Waste Policy Act of 1980. (This Act was later replaced by the Low-Level Radioactive Waste Policy Amendments Act of 1985.) The federal legislation made disposal of Class A, B, and C low-level radioactive waste a state responsibility.

To reduce the number of new disposal facilities, Congress encouraged states to form regional compacts, and it gave compacts the unique authority to exclude waste from outside the boundaries of the compact region. States found this approach attractive because access to a regional disposal facility could be restricted solely to members of the compact. In addition, the approach allowed compact states to share the development costs for new disposal facilities.

Today, the Midwest Compact is one of 10 regional low-level radioactive waste compacts in the United States. There are 6 states not part of a compact.

This is the twenty-fourth in the series of annual reports published by the Midwest Compact Commission, the Compact's administrative body. The report summarizes activities and actions during the preceding fiscal year (July 1, 2008 through June 30, 2009). As required by Article 111(k) of the Compact, the report also contains the Commission's FY 2009 audited financial statements and the report of its independent, certified public accountant.

In accordance with another provision of the Compact, Article III(i)(2), this annual report will be submitted to the member state governors and appropriate legislative officers.

# The Commission

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The Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission) is the administrative body of the Compact. It consists of one voting Commissioner from each of the six member states. Each state determines how it will appoint its Commissioner, and the state's Governor must provide written notification to the Commission of the appointment of a Commissioner and any

Alternate Commissioners. Advance notice is given for all meetings, which are open to the public, and actions are recorded in meeting minutes.

The Commission holds an annual meeting in June of each year to hear reports and adopt a general fund budget. In alternate years, the Commission elects officers to serve two year terms. The Commission appoints an Executive Director who is the

administrative officer of the Commission. The State of Wisconsin Department of Health provides clerical support to the Commission and maintains a Commission office, address and telephone for the transaction of Commission business.

The following persons served as Commissioners and Alternate Commissioners during the period from July 1, 2008 to June 30, 2009:

## Commissioners

### INDIANA

Vacant

## Alternate Commissioners

Bruce Palin, Assistant Commissioner  
Office of Land Quality  
Department of Environmental Management  
100 N. Senate Avenue, Suite 1154  
Indianapolis, IN 46206-6015  
voice: 317.233.6591  
fax: 317.232.3403  
e-mail bpalin@idem.in.gov

### IOWA

Brian Tormey, Chief, Land Quality Bureau  
Iowa Department of Natural Resources  
502 E. 9th Street  
Des Moines, IA 50319-0034  
voice: 515.281.8927  
fax: 515.281.8895  
e-mail: brian.tormey@dnr.iowa.gov

Pat Boddy  
Iowa Department of Natural Resources  
502 E. 9th Street  
Des Moines, IA 50319-0034  
Voice: 515.281.3388  
Fax: 515.281.6794  
e-mail: pat.boddy@dnr.iowa.gov

## Commissioners

### MINNESOTA

Tim Scherkenbach  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
voice: 651.296.7305  
fax: 651.296.7923  
e-mail: tim.scherkenbach@pca.state.mn.us

### MISSOURI

Dru Burton, Director  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
voice: 573.751.4732  
fax: 573.751.7627  
e-mail: @dnr.mo.gov

### OHIO

Roger Suppes, Assistant Division Chief  
Division of Prevention  
Ohio Department of Health  
Columbus, OH 43266-0588  
voice: 614.644.0085  
fax: 614.644.7740  
e-mail: rsuppes@odh.oh.gov

### WISCONSIN

Stanley York  
2851-1 Century Harbor  
Middleton, WI 53562-1824  
voice: 608.831.5434  
e-mail: stan.york@tds.net

## Alternate Commissioners

James Chiles  
Minnesota Pollution Control Agency  
Municipal Division  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
voice: 651.296.7273  
fax: 651.297.9707  
e-mail: james.chiles@state.mn.us

vacant  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
voice: 573.751.3195  
fax: 573.751.7627  
e-mail: @dnr.mo.gov

Jane Harf, President  
AEP Ohio  
88 East Broad Street  
Columbus, OH 43215  
voice: 614.629.5023  
fax: 614.629.5030  
e-mail: jaharf@aep.com

Paul Schmidt, Chief  
Radiation Protection Section  
Department of Health Services  
P.O. Box 2659  
Madison, WI 53701-2659  
Voice: 608.267.4793  
Fax: 608.267.3695  
e-mail: paul.Schmidt@wisconsin.gov

### The following are under contract with the Commission:

Commission Counsel	Richard Ihrig, Lindquist & Venum. P.L.L.P.
Commission Auditor	James F. Warner, Boulay, Heutmaker, Zibell & Co. P.L.L.P.
Commission Clerical Support	Susan Hagstrom, Wisconsin Department of Health Services

# Annual Meeting

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## Annual Meeting 2009

Article III (d) of the Midwest Compact requires that the Commission hold an annual meeting, and the Commission's By-laws specify that "the annual meeting shall include, but not be limited to, election of officers and adoption of a budget for the following fiscal year." The Commission amended its by-laws to permit meeting by teleconference. Meeting notices designate a place in each state where the public can participate in the meeting. The Commission scheduled its Annual Meeting as a teleconference for June 2009. Five of the six Commissioners attended. The Executive Director reported on the activities of the Low-Level Radioactive Waste Forum, Inc., in which

the Compact has made a heavy investment. The Commission received the FY 2008 audit from the auditor and adopted a budget for FY 2010. The Commission reviewed the availability of disposal sites nationally.

Commissioner York was reelected Chair, and Commissioner Suppes was reelected Vice Chair. The Commission asked Wisconsin to continue the present arrangement for salary for the Executive Director and clerical support. Wisconsin indicated that they would continue the present arrangements. York was reappointed Executive Director for an indefinite term.

## Public Involvement

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To encourage public involvement, The Midwest Compact Commission has in the past maintained a mailing list of nearly 200 names of people who have expressed an interest in the Commission's activities.

The Commission has developed a website, [www.midwestcompact.org](http://www.midwestcompact.org), that has all of the information that had been sent to the mailing list. This new technology will keep interested persons better informed than an occasional mailing would. Therefore, the Commission is dropping its mailing list and encouraging interested parties to use the website as a place of communication.

The Commission encourages public attendance at all of its meetings. Commission meetings are open to the public and noticed at least twenty days before the meeting. Public comment on agenda items is invited at the meetings.

Member states also distribute material on the subject within their jurisdiction.

## Figure 1

### What is Commercial Low-Level Radioactive Waste?

Commercial low-level radioactive waste is material that is contaminated with radioactivity. In 1995, there were 187 potential generators of such waste in the Midwest Compact region (including nuclear power plants, hospitals, universities, research institutions, government agencies, and industries) of which 49 actually shipped waste that was received at commercial disposal.

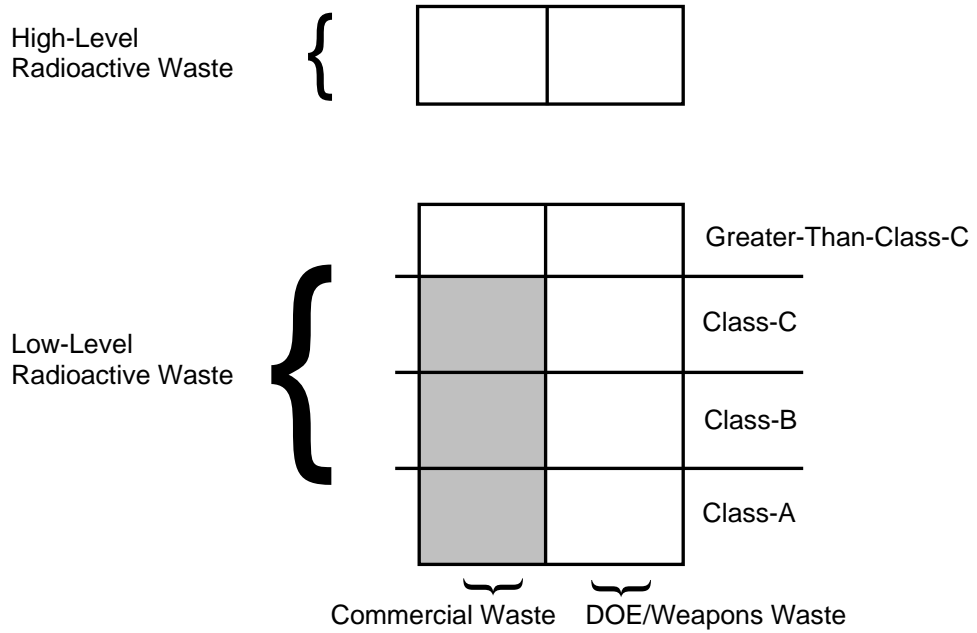
The number of generators shipping waste for disposal during any given year is subject to variation. The reasons for this variation can include the following: changes in product line or services offered, substitution of different radioactive or nonradioactive materials, periodic maintenance, equipment replacement, decontamination and dismantlement activities, and temporary storage of waste pending collection of amounts sufficient for economical shipment.



The waste can consist of clothing, wipe rags, lab equipment and glassware, luminous dials, hand tools, sealed radiation sources (e.g., measurement devices), filters and filter resins, consumer products (e.g., smoke detectors), internal reactor parts, and demolition debris. Most of this waste (Class A) has low concentrations of radionuclides, although a very small amount of the waste (Class B and Class C) has higher concentrations and different management requirements.

Low level radioactive waste shipped to commercial disposal facilities does not include spent fuel from nuclear reactors, atomic weapons production waste, or uranium mine and mill residues. Nor does it include liquid waste that is explosive, pyrophoric, or chemically hazardous.

## Figure 2

### Radioactive Waste Disposal Responsibility (chart not proportional)



 Waste that is the disposal responsibility of the Midwest Compact  
 Waste that is a federal disposal responsibility



### Figure 3

#### Midwest Compact Commission Budgets for FY 04, 05, 06, 07, 08, 09 and 10

Activity	FY 2004 Budget	FY 2005 Budget	FY 2006 Budget	FY 2007 Budget	FY 2008 Budget	FY 2009 Budget	FY 2010 Budget
Reimbursement to WI for executive	\$10,000	\$10,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000
Reimbursement to WI for clerical	700	800	500	500	500	500	500
Telephone, fax	40	0	0	0	0	0	0
Travel	3,000	1,500	1,000	1,000	1,000	1,000	1,500
Office supplies	100	100	0	0	0	0	0
Printing	1,200	2,000	1,200	1,200	1,400	1,400	1,500
Meeting expense	2,000	500	70	70	50	50	150
Publications, subscriptions	0	0	0	0	0	0	0
Accounting, audit	6,500	6,500	8,400	8,400	8,400	8,500	9,000
Legal counsel	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Web Page	600	600	600	600	600	400	400
Record storage	200	200	0	0	200	200	200
Forum support	7,500	7,500	7,500	7,500	8,500	8,500	8,500
MCC other	0	25,000	0	0	0	0	0
Forum other	0	0	3,000	0	0	0	4,000
<b>Total</b>	<b>\$34,840</b>	<b>\$57,700</b>	<b>\$33,470</b>	<b>\$30,270</b>	<b>\$31,650</b>	<b>\$31,550</b>	<b>\$36,750</b>

Rebate Fund balance 7/1/08	\$1,697,255.55
Rebate Fund balance 6/30/09	\$1,770,667.59
Net gain (after expenses)	\$73,412.04

# Interregional Cooperation

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The Midwest Compact Commission regularly interacts with other compacts and states. Among the notable activities and actions involving other compacts and states were the following:

## **Low-Level Radioactive Waste Forum**

The Commission continues to participate actively in the Low-Level Radioactive Waste Forum, Inc. (LLW Forum). The LLC Forum is a national association of representatives of compacts, host states, unaffiliated states, and states with currently operating disposal facilities, as well as generators, processors and distributors. The Forum was established to facilitate the implementation of the 1985 Low-Level Radioactive Waste Policy Amendments Act. The LLW Forum provides an opportunity for compacts and states to share information and

exchange views with officials of federal agencies and other interested parties. LLW Forum participants also serve as liaisons to other entities, including the Conference of State Radiation Control Program Directors, the Conference of State Legislatures, and the Federal Facility Compliance Act Task Force. The Commission is represented on the LLW Forum by its Vice Chair.

## **Export and Disposal of Midwest Compact Waste**

By action of the Atlantic Compact, Midwest Compact region generators no longer have access to the Energy Solutions, Inc., disposal facility in Barnwell, South Carolina.

Generators have access to the Energy Solutions, Inc., disposal facility in Clive, Utah. The Energy Solutions facility generally accepts high volume,

low activity Class A waste that does not exceed license limitations on radionuclide concentrations. Energy Solutions of Utah has over 300 million cubic feet of unused capacity.

Since access to the Barnwell facility has been lost, generators of Class B and Class C waste will have to find temporary storage facilities until more permanent arrangements can be made. Although undesirable from a waste management standpoint, most utilities and large waste generators have sufficient storage capacity for periods of time ranging from five to ten years. Smaller generators may also have similar waste storage capacity, or could rely on vendors for storage needs.

The state of Texas has established a disposal site. The impact on the Midwest Compact is unclear at this time.

# Looking Ahead

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## **Exploration of Disposal Alternatives**

The Commission intends to continue its exploration of opportunities that may arise for consolidation, contractual disposal arrangements, or other means of assuring generator access to existing disposal facilities. This includes review of the situation of currently operating facilities, as well as possibilities related to proposed new, privately-developed disposal facilities.

## **Continued Support for New Disposal Capacity in Other Compacts**

Although no longer developing a site of its own, the Commission will continue to actively support development activities in other compacts. Development efforts in other compacts are followed closely.

## **Commission Staffing**

During FY 2009 the Commission has vested the administrative function in the Executive Director, and to contract with the State of Wisconsin to provide administrative backup to the Executive Director and decided to continue the arrangement.

The Commission's office address and phone are located in the Office of Radiation Protection, Division of Public Health, Department of Health Services, of the State of Wisconsin.

## Figure 4a

### Commercial LLRW Disposed at Barnwell, Beatty, Richland, and Envirocare: 1986-2008

VOLUME (ft3)

	1986	1987	1988	1989	1990	1991
Indiana	295.51	2,257.06	1,891.97	2,150.31	1,956.01	5,723.62
Iowa	9,975.20	18,795.26	7,206.61	6,055.37	5,557.86	12,815.37
Minnesota	28,655.60	20,250.67	15,477.16	21,954.29	26,985.22	43,520.53
Missouri	27,307.48	28,782.69	11,911.77	18,802.64	19,609.59	19,055.46
Ohio	16,541.70	20,882.17	22,585.21	58,866.18	24,146.85	24,335.89
Wisconsin	6,252.10	9,792.73	10,599.36	6,880.93	9,217.32	7,228.19
<b>TOTALS</b>	<b>89,027.59</b>	<b>100,760.58</b>	<b>69,672.08</b>	<b>114,709.72</b>	<b>87,472.85</b>	<b>112,679.06</b>

	1992	1993	1994	1995	1996	1997
Indiana	2,715.14	967.15	1,622.81	100.78	328.98	380.93
Iowa	5,447.79	1,979.32	3,179.02	2,058.00	3,639.22	1,410.46
Minnesota	40,197.42	5,056.68	1,932.46	2,466.63	3,215.22	1,751.67
Missouri	11,271.86	3,178.02	5,896.82	6,998.54	14,305.99	7,578.69
Ohio	22,339.31	6,637.84	20,833.52	49,464.57	158,310.23	155,673.80
Wisconsin	6,884.60	2,225.38	5,892.17	1,050.86	2,396.65	1,282.43
<b>TOTALS</b>	<b>88,856.12</b>	<b>20,044.39</b>	<b>39,356.80</b>	<b>62,139.38</b>	<b>182,196.29</b>	<b>168,077.98</b>

	1998	1999	2000	2001	2002	2003
Indiana	73.71	568.62	60.73	6,134.40	191.78	137.01
Iowa	1,035.88	1,529.39	943.95	8,485.82	3,530.80	448.42
Minnesota	1,316.63	1,838.92	3,268.80	1,616.01	3,696.18	10,850.35
Missouri	16,362.11	7,643.48	7,842.32	412,278.44	26,875.32	8,813.37
Ohio	127,469.69	75,478.78	64,211.13	31,214.69	15,041.75	32,139.30
Wisconsin	1,544.07	2,689.17	1,268.50	4,702.41	12,584.83	3,194.55
<b>TOTALS</b>	<b>147,802.09</b>	<b>89,748.36</b>	<b>77,595.43</b>	<b>464,431.77</b>	<b>61,920.66</b>	<b>55,583.00</b>

	2004	2005	2006	2007	2008
Indiana	310.75	83.90	462.96	450.80	1,154.48
Iowa	240.70	20,034.79	1,654.87	10,791.12	4,434.47
Minnesota	31,735.38	22,131.37	8,288.81	8,525.20	5,443.38
Missouri	93,371.42	82,705.78	3,442.15	13,406.41	110,156.79
Ohio	216,802.48	107,011.70	39,091.27	21,309.73	71,863.74
Wisconsin	7,485.49	12,908.23	4,596.59	17,302.73	5,766.94
<b>TOTALS</b>	<b>349,946.22</b>	<b>244,875.77</b>	<b>57,536.65</b>	<b>71,785.99</b>	<b>198,819.80</b>

**GRAND TOTAL 1986 THROUGH 2008: 2,955,038.58 ft3**

Source: The DOE MIMS System

## Figure 4b

### Commercial LLRW Disposed at Barnwell, Beatty, Richland, and Envirocare: 1986-2008

#### ACTIVITY (curies)

	1986	1987	1988	1989	1990	1991
Indiana	0	34.78	58.75	63.13	43.67	370.39
Iowa	21,664.13	1,067.71	400.98	16,953.42	37,807.79	528.67
Minnesota	28,332.33	1,042.42	2,327.71	60,952.08	1,657.09	4,030.69
Missouri	30.54	310.46	1,166.45	793.03	919.62	3,046.88
Ohio	339.00	309.46	836.96	1,211.40	4,315.70	3,839.66
Wisconsin	1,564.88	1,885.48	1,215.25	1,074.88	569.68	1,011.62
<b>TOTALS</b>	<b>51,930.88</b>	<b>4,650.31</b>	<b>6,006.10</b>	<b>81,047.94</b>	<b>45,313.55</b>	<b>12,827.91</b>

	1992	1993	1994	1995	1996	1997
Indiana	26.89	6.75	128.92	35.61	9.61	0.89
Iowa	42,085.40	51,341.86	1,632.89	209.38	552.04	114.33
Minnesota	59,979.20	1,449.65	1,738.82	365.12	1,406.00	82.73
Missouri	1,127.67	444.13	1,200.21	183.47	150.54	1,670.60
Ohio	3,440.21	2,370.27	582.69	552.77	50,021.82	1,077.37
Wisconsin	570.65	345.09	879.26	347.92	153.07	1,343.55
<b>TOTALS</b>	<b>107,230.02</b>	<b>55,957.75</b>	<b>6,162.79</b>	<b>1,694.27</b>	<b>52,293.08</b>	<b>4,289.47</b>

	1998	1999	2000	2001	2002	2003
Indiana	45.32	65.00	0.74	16.61	7.00	2.38
Iowa	266.70	1,721.81	150.27	88.01	108.39	1.17
Minnesota	313.95	128.05	127.09	113.59	30.49	45,932.72
Missouri	811.53	3,923.94	174.23	511.57	358.30	80.34
Ohio	99.69	402.45	283.83	140.73	1,218.51	362.08
Wisconsin	8.05	441.60	183.14	133.67	205.46	257.99
<b>TOTALS</b>	<b>1,545.24</b>	<b>6,682.85</b>	<b>919.30</b>	<b>1,004.18</b>	<b>1,928.15</b>	<b>46,636.68</b>

	2004	2005	2006	2007	2008
Indiana	0.61	0.64	5.21	0.55	1.31
Iowa	1.35	0.82	16,049.79	110.00	137.35
Minnesota	13,453.55	250.05	121.72	264.47	28,729.45
Missouri	309.67	42.38	923.40	166.51	616.19
Ohio	11,002.21	1,154.63	2,510.02	39,997.38	6,082.15
Wisconsin	87.49	387.83	5,959.10	9,958.02	158.15
<b>TOTALS</b>	<b>24,854.88</b>	<b>1,836.35</b>	<b>25,569.24</b>	<b>50,496.93</b>	<b>35,724.60</b>

**GRAND TOTAL 1986 THROUGH 2008: 626,602.46 curies**

Source: The DOE MIMS System



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Financial Statements

Year Ended June 30, 2009



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

**C O N T E N T S**

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## REPORT OF INDEPENDENT AUDITORS

Commissioners  
Midwest Interstate Low-Level Radioactive Waste Compact Commission  
Madison, Wisconsin

We have audited the accompanying statement of financial position of Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission) a non-profit organization, as of June 30, 2009 and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Commission as of June 30, 2009, and the changes in its net assets and its cash flows for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

*Boulay, Heutmaker, Zibell & Co. P.L.L.P.*  
Certified Public Accountants

Minneapolis, Minnesota  
September 23, 2009

**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Financial Position

<b>ASSETS</b>	June 30, 2009		
	General Fund	Rebate Fund	Total
Investments	\$ -	\$ 1,770,669	<b>\$ 1,770,669</b>
Interest receivable	-	5,885	<b>5,885</b>
<b>Total assets</b>	<b>\$ -</b>	<b>\$ 1,776,554</b>	<b>\$ 1,776,554</b>
 <b><u>LIABILITIES AND NET ASSETS</u></b>			
<b>Liabilities</b>			
Deferred rebate	\$ -	\$ 1,776,554	<b>\$ 1,776,554</b>
Total liabilities	-	1,776,554	<b>1,776,554</b>
<b>Net Assets, unrestricted</b>	-	-	-
<b>Total liabilities and net assets</b>	<b>\$ -</b>	<b>\$ 1,776,554</b>	<b>\$ 1,776,554</b>

Notes to Financial Statements are an integral part of this Statement.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Activities

Year Ended June 30, 2009

**Revenue**

Rebate Fund revenue transfers	\$ 26,318
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**Expenses**

Contract services	5,338
Accounting	8,652
Dues	8,500
Travel	2,011
Meetings	56
Web site	345
Annual report	1,416
Total expenses	<u>26,318</u>

<b>Change in Net Assets</b>	-
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<b>Net Assets - Beginning of Year</b>	<u>-</u>
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<b>Net Assets - End of Year</b>	<u><u>\$ -</u></u>
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Notes to Financial Statements are an integral part of this Statement.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Cash Flows

Year Ended June 30, 2009

**Cash Flows From Operating Activities**

Change in assets and liabilities:

Investments	\$ (73,798)
Interest receivable	1,839
Deferred rebate	71,959
Net cash from operating activities	<u>-</u>

**Net Change in Cash**

-

**Cash - Beginning of Year**

-

**Cash - End of Year**

\$ -

**Supplemental Disclosure of Non-cash Investing Activities**

Proceeds of investments re-invested	\$ 854,869
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Notes to Financial Statements are an integral part of this Statement.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Notes to Financial Statements

June 30, 2009

**1. NATURE OF ORGANIZATION**

The Midwest Interstate Low-Level Radioactive Waste Compact (the Midwest Compact) was formally established in October 1983, to meet state responsibilities under the Federal Low-Level Radioactive Waste Policy Act of 1980 (PL 96-573) and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240). The Midwest Compact consists of six member states: Indiana, Iowa, Minnesota, Missouri, Ohio and Wisconsin. The Midwest Compact established the Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission), composed of one voting representative from each member state.

**2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

*Financial Statement Presentation*

The Commission follows the guidelines established in Statement of Financial Accounting Standards (SFAS) No. 116, "Accounting for Contributions Received and Contributions Made" and SFAS No. 117, "Financial Statements of Not-for-Profit Organizations." In accordance with SFAS No. 116, contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted support, depending on the existence and/or nature of any donor restrictions. In accordance with SFAS No. 117, the Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets. The Commission has no temporarily or permanently restricted net assets. As permitted, the Commission has also presented its statement of financial position by fund. The Organization classifies its funds as follows:

General Fund - The General Fund is the operational fund of the Commission. From inception through June 30, 1989, the Midwest Compact's member states contributed to the Fund based on an approved projected annual budget. When future operational funding became available from Rebate Funds received by the Commission, the member states suspended contributions to the General Fund.



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Rebate Fund - Rebate funds are derived from disposal surcharges that were levied on generators of low-level radioactive waste from January 1986 through December 1992. The surcharges were mandated by the 1985 Low-Level Radioactive Waste Policy Amendments Act, and 25% of the surcharges were placed in an escrow account administered by the Department of Energy. Rebates of the escrowed amounts served as an incentive to regions and states to meet Federal milestones for the development of their own disposal facilities. Use of these funds is restricted to purposes specified in the Midwest Compact. However, consistent with the Amendments Act, Rebate Fund monies may be withdrawn and used by the Commission to the extent needed for general operations. Because the Commission holds the existing investments as an agent for member states, all investment amounts, including investment earnings and unrealized gains and losses, are classified as a deferred item in the accompanying financial statements.

Accounting Estimates

Management uses estimates and assumptions in preparing these financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

Revenue Recognition

The Commission recognizes revenues from the Rebate Fund based on the accrual basis and transfers revenues for general operations. All revenue is considered to be available for general use unless specifically restricted by law.

Cash and Equivalents

Investments in cash equivalents within the Rebate Fund are included in investments in the accompanying statement of financial position due to the nature and the terms of the fund. Cash equivalents include money market funds which are not insured.



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Investments

The Commission's investments are recorded at fair value based on quoted market prices.

Income Tax Status

The Commission has been declared tax exempt under the Internal Revenue Code and, accordingly, there is no provision for income taxes in the accompanying financial statements.

Subsequent Events

The Commission has evaluated subsequent events through September 23, 2009 the date which the financial statements were issued.

**3. FAIR VALUE**

Effective July 1, 2008, the Commission adopted SFAS No. 157, *Fair Value Measurements* (SFAS 157). SFAS 157's requirements for certain nonfinancial assets and liabilities recognized or disclosed at fair value on a nonrecurring basis are deferred until fiscal years beginning after November 15, 2008, in accordance with FASB Staff Position 157-2 (FSP 157-2). At the present time, the Commission does not have any nonfinancial assets or liabilities that would require fair value recognition or disclosures under SFAS 157.

SFAS 157 defines fair value, outlines a framework for measuring fair value, and details the required disclosures about fair value measurements. The adoption of SFAS 157 did not have a material effect on the Commission's financial position, results of operation or activities as of and for the year ended June 30, 2009.

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date in the principal or most advantageous market. SFAS 157 uses a fair value hierarchy that has three levels of inputs, both observable and unobservable, with use of the lowest possible level of input to determine fair value. Level 1 inputs include quoted market prices in an active market or the price of an identical asset or liability. Level 2 inputs are market data, other than Level 1, that are observable either directly or indirectly. Level 2 inputs include quoted market prices for similar assets or liabilities, quoted market prices in an inactive market, and other observable information that can be corroborated by market data. Level 3 inputs are unobservable and corroborated by little or no market data. The Commission uses valuation techniques in a consistent manner from year-to-year.



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Notes to Financial Statements

June 30, 2009

	June 30, 2009			
	Fair Value Carrying Amount in the Statement of Financial Position	Fair Value Measurement Using		
		Level 1	Level 2	Level 3
Assets (included in investments)				
Money market funds	\$ 42,792	\$ 42,792		
Certificates of deposit	1,727,877	1,727,877		
Total	\$1,770,669	\$1,770,669		

The Commission records investment earnings and unrealized gains and losses as an agency fund and thus, they are accumulated within the "deferred rebate" account of the Fund until used for general operations or other purposes of the Midwest Compact. At that time, earnings are then recognized as revenue within the statement of activities.

A reconciliation of investment accounts including earnings follow:

	<u>Rebate Fund</u>
Investments at July 1, 2008	\$ 1,696,871
Interest earnings	60,521
Unrealized loss, net	39,595
Transfers	<u>(26,318)</u>
Investments at June 30, 2008	<u>\$ 1,770,669</u>

#### 4. FUTURE OPERATIONS

The Commission intends to monitor national and regional developments regarding management of low-level radioactive waste, and will continue to review office and staffing requirements during the fiscal year 2010.





# NOTES:



