**LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.**

**2657 Bayview Drive – Ft. Lauderdale, F.L. 33306**

**(754) 779-7551 \* (754) 223-7452 FAX**

**Disused Source Working Group Meeting**

**Madison Room**

**Old Town Hilton Hotel**

**Alexandria, Virginia**

## April 21, 2015

**MINUTES**

**Attendees:**

Kathy Davis

Leo Drozdoff

Ray Fleming

Mike Garner

Leigh Ing

Rich Janati

Susan Jenkins

Joe Klinger

Todd Lovinger

Rusty Lundberg

Mike Mobley

Gary Robertson

Cecilia Snyder

*Update from Joe Klinger re meeting with the Commissioner:*

Met with Commissioner Ostendorff and of all of the Commissioners he was the most opposed to what NNSA is doing. He did a 180 on financial assurance.

Ray Fleming notes that his focus was on source time limits and financial assurance and Commissioner seemed supportive.

Anything with Category 1 and 2, he is more or less on board but major objection seemed to be with regard to Category 3. He was ok with the source time limits.

Joe also last October joined Abby and the State Dept and sat in on Vienna meeting. It was fascinating – some of the restrictions in other countries are so far ahead of the U.S, e.g., Germany.

There were 77 countries represented.

**1:00 pm - 5:00 pm (Executive Session: Open to Working Group Members, Staff Only)**

• review and approval of agenda items *(DSWG Members, Staff and Meeting Attendees)*

• reports on significant activities since DSWG meeting in Denver, Colorado in October 2014 *(DSWG Members, Staff and Meeting Attendees)*

- submittal of comments re International Atomic Energy Agency (IAEA) Draft Safety Guide DS-454 titled, “Pre-Disposal Management of Radioactive Waste from the Use of Radioactive Materials in Medicine, Industry, Agriculture, Research and Education” *(Todd Lovinger, LLW Forum/DSWG)*

Source document for IAEA Code of Conduct. Joe participated. One issue according to Joe is when do you call a disused source a waste? This impacts transportation within Europe.

- results from and status of the sealed source disposal variance for the Clive low-level radioactive waste disposal facility in Toole County, Utah to receive and dispose of Class A sealed sources until December 31, 2014 *(Rusty Lundberg, Utah)*

Extended original date to December 31, 2015. First drum had over 20,000 sources in it. Have report. Added in request to license renewal to remove prohibition for disposal of disused sources. Expecting to go out for comment later this year. Can not dispose of any more sources unless and until prohibition is removed. Originally set up as a bulk material, but easier to process now that they have containerized waste disposal option.

- presentation at Seventh Annual Radiation Safety and Security Symposium—January 15, 2015 in New York City, New York *(Ray Fleming, Texas)*

Excellent packed one day session. Similar to what did in Texas. A lot of interest in blood irradiators and what doing in Texas. Send information to Kathy. Do other state agencies across county do something similar or is this unique to New York. Texas does it and Illinois does it.

- meetings with Laura Dudes and Larry Camper of U.S. Nuclear Regulatory Commission (NRC) and Janet Schleuter and Andrew Mauer of the Nuclear Energy Institute—January 16, 2015 in Bethesda, Maryland *(Ray Fleming, Texas; Leo Drozdoff, Nevada; Rusty Lundberg, Utah; Rich Janati, Pennsylvania; and Todd Lovinger, LLW Forum/DSWG)*

*Feedback re security issues and concerns:*

Ray notes that in that this meeting was immediately after the Senate Appropriations draft language regarding security. Ray’s perspective is to stick with the security issue, but tailor it to the audience and focus on management issue. Rich Janati points out that there is a discrepancy between NNSA and NRC. Leo says to raise this issue with NNSA. Not as much of a concern with Larry as with Laura. NRC said if don’t soften, then have hard time working with us. Josie Piccone is coming back, Laura is going to Atlanta, around June time frame. Think this will be good for us. Mike asks does anybody believe that there is going to be less attention to security moving forward? Mike’s perspective is that security is increasing. Never get less regulation.

Rich suggests starting with “health and safety” tomorrow. Rich gives example of entities that did not know they had sources. South Carolina had one that was in a filing cabinet.

Gary Roberson: if you revise language, be prepared for environmental groups to comment on why we are doing that.

*Group agrees to modify wording slightly, use “health and safety” and remove “inadequate”*

Kathy Davis: wants more information to be distributed to group. Have some calls in between these meetings and interact more. What was discussed or what was the outcome.

Leigh Ing: from her perspective, there are things that you can say in a conference call that you cannot do in a memo so that would be more beneficial. Leigh does not have a good sense of all of this because not sure of everything that was done. May not need all of us. Most important thing to Leigh is that we operate efficiently and get things accomplished.

Leo Drozdoff: there was a lot of momentum in January and has slowed down. What are the expectations and what are they willing to pay for and what can this group realistically commit to in terms of time and energy.

Rich Janati: we have created momentum. We need to clarify what is it that NNSA wants us to do beyond what we are doing.

Gary: Group one spent years coming up with the report, did not want it to be shelved. Now we want a good roll out plan and be proactive.

Todd: The first group was meeting every month towards the end. We met with stakeholders. William Sellars’ boss was talking about meeting with brokers and manufacturers. QSA global said it would put them at a disadvantage globally if they were regulated.

Rich: we need to prioritize the recommendations. Some of them are state specific. See what is important to NNSA and see what is important. Some don’t even apply to them because they are state. Some apply to generators.

Todd: back to the point raised before, what is the mission of this group now? The first group all wrote the report. The idea is that the second phase is to encourage the stakeholders to implement the recommendations; do outreach, let people know about the report and the source exchange program and that we would like to be a resource. When we agreed to do the second phase, we said that it will only be a few meetings of the group but it is more of an outreach with others. We don’t need 14 people to go to those meetings.

Rich: periodic conference calls every six weeks or so will take care of the communications problem.

Ray: yes we spent the last nine months doing damage control and reaching out to a coalition. But we need to reach out to a lot more – industry groups. We need boots on the ground and individuals from the group to interact with local community. We need to be in the local health physics meeting, etc. My assignment is to look for meetings in your areas. States are not doing the outreach. Maybe we should sit down and make flyers to be adapted by the states or even NRC. Do we want to take that on?

Todd: there are two issues, what do we want to do in terms of outreach, and what do we want from the group re communications?

Leigh: not sure what is best. Do you need the rest of us or can the smaller group do it?

Ray: originally we chose the groups who have strong state representation.

Leo: the calendar that is on the website is very good, and we can use that to inform the group about what is going on. We can look at what the next year looks like, game plan what we want to get accomplished.

Todd: I think that a smaller group is not sufficient. We need everyone to be able to do outreach. Yes we need to communicate better with conference calls, etc. Assigning this to 4-5 people will not be as effective.

Kathy: How are we going to cultivate the NRC commissioner? He is important.

Russ: That is a misdirection we don’t need. And we don’t want to disenfranchise their staff. You are not going to get the Commissioner to change his view. Good to take advantage of the one on one meetings.

Leo: it is a fair question to ask NNSA staff about the Commissioner’s position?

Todd: this is a perfect example of the kinds of questions we can ask in an in-person meeting that we would never be able to put in a memo.

Leo: Looking at the calendar in my mind, we have the Forum meetings twice a year, then the in person meetings and then conference calls in between those.

Todd: that is a question for this group to consider: do you want to meet in between the forum meetings? We have funding to cover the travel, but not registration fees. Do you want to meet in person before the Chicago meeting?

We can look at the calendar and see if there is another meeting that we are all interested in going to and meet as a group.

• areas of focus and current efforts *(DSWG Members, Staff and Meeting Attendees)*

- DSWG survey of state radiation control program directors via CRCPD E-34 Committee—initial results, presentation at upcoming meetings, and consideration of additional actions *(Todd Lovinger, LLW Forum/DSWG; Joe Klinger, Illinois)*

The survey was a whopping success, and we can still solicit more respondents, so far 30.

Susan: we did not get a link. Maybe there are other states who did not fill it out due to technical difficulty. We should go back out and capture more people.

Todd: we will go through and identify who did not respond and contact them individually. Do we want to restructure to get responses from other stakeholders? Originally there was a limited scope for the survey, but maybe we should widen it. Something to think about for the next conference call.Might be a way to engage the other stakeholders and get their feedback. Health Physics Society, Manufacture’s organizations, waste processors.

Ray: survey results can be used by the NRC – it is hard data.

Kathy: we need to get more states, we probably all know someone in certain states to reach out and get them to answer.

Susan: I know of one group that filled it out but they are not listed, will follow up. Will also call some other key stakeholders.

Add to survey instructions: Tell people that they can skip questions

Draft presentation by May 6 to be sent out to group and they have until May 11 to comment

*Recommendations and planning for tomorrow’s meetings:*

Mike: how to deal with licensees?

Ray: CRCPD has a great model which is out for comment right now. Financial assurance

Todd: one of the ideas of the original group is to have a model for the regulators to include in the license application so that they include a plan and budget for disposal.

Susan: in our regulations, there is required information. If we create a form for you to fill out, it is tied to the regulation.

Todd: we should reach out to CRCPD regarding their work and support them and offer the group as a resource.

Ray: these are some of the things we can bring up at the CRCPD meeting.

Todd: I want to open the lines of communication with the different groups that are also working on the same issues as this group.

Ray: and try to roll in the educational processes.

Susan: we work with our finance dept to communicate to the members when we change regulations.

Mike: the best approach is to charge everyone a fee so that once a year there is contact, and that they have a source. And the financial dept is reminded because they have to budget for it.

Leigh: I would not bring this up at the NRC meeting because it is public.

Kathy: we can say we just got the survey back and we are still assessing.

Ray: we can say that we are seeing support from the states.

Kathy: can also ask them what they thought of the survey.

Todd: Between January and now we know they have delayed a year, what is the path forward for getting input, how can we assist you in getting input?

Mike: we have made certain recommendations regarding financial assurance, how can we help them move forward.

Todd: it should be one of our lead items in talking to NRC about financial assurance.

Gary: I like Kathy’s ideas of three bullet points for NRC. Financial assurance, general license

Leo: I think a more fundamental question is about the disagreement between NNSA and NRC. We should be ready to hear from NNSA.

Todd: tomorrow will high level people so we have an opportunity to ask them.

Ray: storage rules. It comes down to NRC implementing.

Gary: a lot of agreement states think they have a 2 year storage limit but don’t realize that it is for GL.

Todd: we should point out the best practices of states like Texas and show NRC that we have already done a lot of the leg work for them.

Todd will send out a memo to find out the best day to have a summer DSWG in person meeting.

- NRC’s byproduct material financial scoping study—initial results, recommendations to Commission, and consideration of additional actions *(Todd Lovinger, LLW Forum/DSWG; Ray Fleming, Texas)*

High priority to submit comments and participate

- implementation of recommendations contained in the March 2014 DSWG report—status update and path forward *(Todd Lovinger, LLW Forum/DSWG; Ray Fleming, Texas)*

Work off of Ray’s ranking and recommendations.

Ray’s thought is to use CRCPD as the entity to distribute educational materials.

Mike: how to notify licensees of disposal options?

Ray: in Texas, it is part of licensee education process. Have them sign off on education during license application process.

Ray: CRCPD is developing materials already

Susan: in infectious waste program, they have over 7,000 generators; don’t inspect them all; limited outreach every three years.

Specific license for all Category 3 sources

- approach NRC and give them the survey results

- tell them that we just got survey results and assessing and moving forward

- ask what NRC saw in survey and what caught their attention

- financial assurance: ask NRC how can we participate in process; go in and ask NRC what can we do to help you

Group agrees to have 3 goals for NRC:

- financial assurance (have you contacted states; what are your plans; Rusty brings out point that some of these are separate pathways; Rusty says what we are asking them is some type of generic communication to highlight best practices out there; Rusty is concerned that not combine storage limits and create a generic communication back out to states)

- NRC staff recommended to Commission that there be no Category 3 GLs and it failed on a tie-vote

- take credit for what states are doing

Kathy Hainey is Larry’s boss and one that we would have to go to ask them to look at state’s best practices

Leigh: use meeting to get information from them

Susan: what about question about signing statement and saying it is legally binding?

• additional opportunities for stakeholder outreach and upcoming meetings *(DSWG Members, Staff and Meeting Attendees)*

- presentation to CRCPD at upcoming annual meeting in St. Louis, Missouri on

May 18-21, 2015 *(Todd Lovinger, LLW Forum/DSWG; Ray Fleming, Texas)*

- presentation to Health Physics Society (HPS) at upcoming annual meeting in Indianapolis, Indiana on July 12-16, 2015 *(Todd Lovinger, LLW Forum/DSWG; Ray Fleming, Texas)*

- consideration of whether to request to give presentation at Organization of Agreement States annual meeting in Boston, Massachusetts on August 23-27, 2015

*(DSWG Members and staff)*

- consideration of request to give presentation at fall meeting of Advisory Committee on Medical Uses of Isotopes (ACMUI) on October 8-9, 2015 (back-up dates of September 10-11, 2015) in Bethesda, Maryland *(DSWG Members and staff)*

• planning and preparation for National Nuclear Security Administration (NNSA) and NRC meetings on Wednesday—April 22, 2015 *(Leo Drozdoff, Nevada; Ray Fleming, Texas; Leigh Ing, Texas Compact; Todd Lovinger, DSWG; Rusty Lundberg, Utah; and, Gary Robertson, DSWG )*

*NNSA meeting from 9:30 – 11:00 am at 901 D Street, SW in Washington, DC (Suite 100)*

- NNSA attendees

\* David Huizenga, Principal Assistant Deputy Administrator for Defense Nuclear Non-Proliferation, U.S. Department of Energy (DOE)/NNSA

\* Abigail Cuthbertson, Federal Project Manager, Off-Site Source Recovery Project, DOE/NNSA

\* David Martin, Consultant from Energetics to NNSA

\* Larry McNamara, Consultant to NNSA

- proposed topics:

\* DSWG survey of state radiation control program directors via CRCPD E-34 Committee—initial results and consideration of additional actions

\* implementation of recommendations contained in the March 2014 DSWG report—status update and path forward

\* NNSA activities and initiatives re disused sources—status update and path forward

\* International Atomic Energy Agency (IAEA) activities and initiatives re disused sources, including overview, status and opportunity for comment re “Draft Guidance on Long-Term Management of Disused Radioactive Sources”—status update and path forward

\* NRC byproduct material financial scoping study—initial results, recommendations to Commission, presentation at HPS annual meeting, and consideration of additional actions

\* recommendations contained in the 2014 report from the Radiation Source Protection and Security Task Force (RSPSTF)—implementation plans, status update, work on and opportunity for input re 2018 report

*NRC Meeting from 1:00 – 3:00 pm at agency headquarters in Rockville, Maryland via One White Flint Entrance directly across from the metro*

- NRC attendees

\* Larry Camper, Director of the Division of Decommissioning, Uranium Recovery and Waste Programs in the Office of Nuclear Materials Safety and Safeguards, NRC

\* James Shaffner, Project Manager in the Division of Decommissioning, Uranium Recovery and Waste Programs in the Office of Nuclear Materials Safety and Safeguards, NRC

- proposed topics:

\* DSWG survey of state radiation control program directors via CRCPD E-34 Committee—initial results and consideration of additional actions

\* implementation of recommendations contained in the March 2014 DSWG report—status update and path forward

\* NRC byproduct material financial scoping study—initial results, recommendations to Commission, presentation at HPS annual meeting, and consideration of additional actions

\* recommendations contained in the 2014 RSPSTF report—implementation plans, status update, work on and opportunity for input re 2018 report

• other outstanding issues *(DSWG Members, Staff and Meeting Attendees)*

- next DSWG meeting date and location *(Todd Lovinger, LLW Forum)*

- any other outstanding issues

*Meeting Adjourned*