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

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**Disused Source Working Group Meeting**

**Embassy Suites Downtown Hotel**

**Ohio 1 & 2 Boardroom**

**Chicago, Illinois**

## July 7-8, 2016

**MINUTES**

Leigh Ing

Mike Klebe

Rusty Lundberg

Kathy Davis

Susan Jenkins

Rich Janati

Gary Robertson

Cecilia Snyder

Todd Lovinger

**July 7, 2016**

8:00 am - 10:00 am (Open to Working Group Members and Staff Only)

• review and approval of agenda items *(DSWG Members and Staff Only)*

• planning and preparation for today’s meeting with representatives from Conference of Radiation Control Program Directors (CRCPD), Organization of Agreement States (OAS) and Health Physics Society (HPS) to establish a consortium of stakeholders that would identify areas of agreement and then work as a cohesive group to encourage implementation of our joint recommendations *(DSWG Members and Staff Only)*

* meeting format and presentation of materials
* agenda topics, lead assignments and talking points
* meeting goals, organizational requests and next steps/path forward

Todd: Would like to review talking points and how we are going to present the information today to our invited guests. Want to have interactive discussion. The issue last time was who should pay for the cost. Taxpayer ends of paying because the sources are sent to SCATR. NNSA is getting pressure to reduce the cost. The end user should be responsible for disposition.

We met regularly and met with stakeholders for 30 months to receive comments, then issued the report in March 2014.

We will acknowledge that there were some controversial elements of the report regarding the language, we were acting independently from NNSA and so we talked about national security.

We do understand that after the release of the report, we have been getting stakeholder input and feedback and have been working to refine the messaging

Gary: I created a little bit of background, but if Todd covers I will not go into them. Listed the 18 stakeholders with whom we met. To give an idea of how thorough the research was

Then will go into a problem statement – government says there are 2 million sealed sources. Last meeting there was skepticism. That number has no basis, everybody uses it but can’t back it up.

This is a multi-faceted problem and will take everyone’s cooperation to solve it

10 bullets: Federal government has shown that there are serious ramifications, most sources that pose a national security threat (Cat 1-2) do not have financial assurance. 3-5 also have no financial assurance. NAS has found that 3-4 sources can be aggregated. We don’t have control over 3-4. Some of the category issues are licensing. They should not be generally licensed, they should be specific. Also the problem of appropriate casks to house the source. NNSA thinks Cat 3 should be included.

Another problem is source tracking system. If you go onto the NRC website, it is very hard to use. That is one reason we did not want to include Cat 3 until the NRC fixes their website. But they say it is very user friendly. Should we bring that up?

Gary: Should we bring that up?

Todd: we have had a lot of discussion about this and no one has done anything about it. We should work with our guests and try to facilitate identify the deficiencies in the system and see how we can improve it. Rather than everyone agreeing there is a problem but not fixing it, maybe we can address this in this group. DSWG don’t necessarily use the system so it is good to bring the other stakeholders in.

Gary: after the summary of the problems, I will present the solutions. There is a need for stringent regulations. Primary responsibility should be on the NRC. First bullet is Cat 1-3 that are GL sources. Spent a lot of time with the NRC people and they do not know how many GLs are out there. One solution is to enhance the licensing system to not allow GLs. Some of the states have taken this problem on but that is also a problem because of states rights. They are not allowed to go above the NRC.

Todd: yes, we covered this in the survey. If the states want to make a policy change they can, but they cannot make a rule change without the NRC doing it first. That is another issue we can work together to get that message up to the NRC because they seem to be under the impression that the states can take care of it.

Gary: Every state has to do its own economic impact statement; it can be extremely complicated.

Finally I will talk about organizations and stakeholders with similar recommendations and reviews

Todd: You should stress that because virtually all our recommendations are similar to the other stakeholders’. When we get to Leigh’s presentation, one of the asks should be that every organization reviews their stated policy recommendations.

Rusty: even if there were disconnects previously, this is an opportunity to come to agreement. Time to say that we share a lot of goals and should work together.

Todd: It would be nice if the major stakeholders, as a group, can identify and agree on recommendations. We can work together to come up with one recommendation and then be able to go to NRC as a group. Financial assurance, GL v SL and so forth.

Rich: Would be good to share information across the states

Gary: When NRC sees a best practice, they identify it in their report. They have a list and maybe it would be good to get that from them.

Rich: That would be great

Gary: There is not people to take advantage of the fact that Texas has opened its doors.

Leigh: We are starting to see more people looking into it but because there is no law compelling them they don’t want to spend the money.

Gary: I wanted to know how many Cat 1 sources had been disposed of. SCATR is doing a lot of good but it is not addressing problem

Todd: I think this is a good example about saying how can we as a group identify and solve the problem? Many times there is no follow through. By forming a coalition, we can continue working on these issues.

Rich: One of the problems is that states don’t have the resources. They have the will but they don’t want to take the initiative to solve the problem because it takes states’ manpower

Todd: what we are suggesting is to use states like Texas as a model and we can propose that NRC do federal rulemaking?

Rich: It takes longer though because NRC has to go through a process and then the states have to go through a process. It would be nicer if the NRC would do it.

Leigh: Three big hurdles to implementing these programs. Many states have a prohibition that they can’t have regulations about the feds. Also any bills with money attached to it will not get passed. The other is not having a facility available. Texas had one so we were able to implement. But other states do not have the facility.

Todd: Next topic will be the survey report. We heard concerns about the recommendations that we put forth so we worked with CRCPD to create a survey and found significant support for most of the recommendations and suggestions. Also found some disagreement and have been using those in subsequent meetings to address concerns and craft new recommendations.

Another confusing area is the use and viability of recycle. We are hearing conflicting information from different organizations.

Finally, we would like to partner with these groups to get the information out once it is final.

Policy v rule changes: while most respondents can take initiative, they cannot make rule changes first until NRC does it first.

In terms of HPS, NRC has not heard from actual users. For the financial byproduct scoping study, they only heard from 13 people. We talked about putting together another survey to get more input and perspectives.

Susan will be focusing on 11 of the outstanding recommendations to see how feasible it will be to tackle them. Need to think about the other groups and how they can help.

Susan: Can go over them briefly, one question is is this to inform and educate or are we looking to get their input?

Todd; from my perspective you start with the most important point – that we are using the responses from the survey to focus on what are the higher priorities. We have definitely gotten feedback from the states has been to prioritize. But we have not heard from HPS. NRC has made clear that they have not heard from user groups. We would like to get their feedback.

One of the reasons that we have the meeting now is because these other organizations will be having their annual meetings soon. Would be great if they could approach their board to encourage working together more closely.

I think we should try to approach this as a dialogue. It will be more productive to have discussions.

Rusty: Will go over the Scoping Study of byproduct material. Divided into six sections: current regulatory framework. 2014 was a good year because our report came out task force report came out and it focused on the importance of further research. The scoping study was geared to receive a broader range of input.

I think they found renewed agreement even though the language might have differed a little, but the concept and principles agreed. As you look at the SCY paper, I will review some of the bullet points e.g., about end of life and final disposition. The agreement is on getting these into the ground. But there is a broader issue that just disposal.

Source categories 3-5 probably have value for further discussion but not now; want to focus on Cat 1-2. They are not discounting the others, but for issues of resources and focus, best to stick with Cat 1-2. Rulemaking will likely be the next step. Rulemaking has more valuable as the next step.

Todd: It’s important that the discussion relate back to what these other organizations can bring to the table. What is relevant to them? How can we work together to best make a difference? There is an opportunity to show a united front to the NRC

Rusty: Both Jim and Ryan who put together the SECY paper briefed about broader and more universal use in the medical field

Rich: Gary covered the background, so don’t need to get into that. GL sources and if there are no activities. Issues with financial assurance, many examples of sources that are left for the state to take care of. As far as Texas is concerned, they formed a working group with other states and took the lead.

Sources kept for future use. Texas would like to see a plan from the generator to see what the future use will be -- they also talk about storage or waste. As far as implementation, not much to talk about. Inspections will be revised to include the new rule. GL categories – convert all GL licenses to SL licenses then you can extend storage, and there is better oversight. Also for tracking purposes, better to separate the sources.

Also developing state regs and encouraging NRC to look into storage. I like what Texas is doing. But what is the difference between the source and waste? Once it is manifested through system, it is considered waste.

Gary: OAS actually petitioned NRC to change GLs to SLs. They changed the compatibility to C so that states could do it on their own.

Kathy: talking about the involvement of the brokers, manufactures, and generators. We have not gone out aggressively to hear from them. We did have the panel at the LLW Forum meeting. Lack of knowledge and the need for education and more interaction with the regulators. Concerns expressed by manufacturer on storage. Do they have an exchange program? They don’t publicize or promote their inside policy. These are the questions we want to explore.

Todd: We want to let them know what we are working on. As we go through each of the topics we need to keep tying it back to why we are meeting and what we hope to accomplish.

Mike: will run through the purpose of the educational l materials. Educate potential users on Intended audience is

Borrowed material from other existing DSWG documents, developed the letter and content. Reviewed by Todd and the DSWG and NNSA, and Ray Fleming and CRCPD. Revised document was provided to Joe Klinger. Would like to see if there are additional comments and discuss the future activities. Susan and her staff will provided formatting and graphic design and then provide to state programs for distributions.

Want to talk about what is the best way to distribute and how to get NRC involved in the dissemination process.

Todd: This a great time to bring this up to see if anyone has comments on the material. OAS is meeting in August, could they bring this to their board and discuss how to best disseminate. They could put on their websites, etc. We can make a generic one and also make available a more customizable one so that states can put their own contact information.

Kathy: California is already ready to receive the educational materials

Leigh: important thing is to take really good notes and then be able to think on our feet and identify areas of agreement. The agenda throws a lot of information to them, background and different aspects. Then the next step is to move it ahead collaboratively. Here is what we have heard today, here are areas of agreement, then put together a plan to move forward as a coalition

Todd: I think it is important to have a list of asks. We would like each of them to review the materials, OAS and HPS are having their meeting and we will ask if they could consider talking about this meeting and formally passing a resolution to work with us moving forward. We have heard from NRC about feedback from the users. HPS is a perfect place to do that, would they be willing to work with us to put together a survey to get feedback from them so we can have the source and the general perspective of opinion from the users.

Leigh: now that I have talked to more generators and brokers, they are an unmined resource. When I am on the phone with them, it is amazing how uniformed they are. They don’t know how the system works. The idea of spending some time and educating them, Kathy is doing that in California and we are thinking of doing the same in Texas. Also they will not engage until NRC makes a rule that they have to.

Todd: but in the meantime we can run a survey and get some of their positions on the issues. Radiation Source Protection and Security Task Force – next report will be August 2018. If we can come up with a list of items for them to focus on, that report goes to Congress.

Rich: Who is on the task force?

Todd: 14 agencies, chaired by OAS.

*10:00 am - 5:00 pm (Open to Working Group Members, Staff and Invited Guests)*

**Additional Participants:**

Sherrie Flahtery, Chair of OAS

Jared Thompson, Chair of CRCPD

Eric Abelquist. Chair-Elect of HPS, (OARU)

Anine Grumbles, State of Washington Department of Health and Chair of SRS (Surety and Bonding Committee)

• overview of agenda and introductions *(DSWG Members, Staff and Invited Guests)*

• background and statement of issues *(Discussion Leader—Todd Lovinger, DSWG Project Director, LLW Forum)*

Todd: DSWG – the working group of the LLW Forum, was created in 1985 as an information exchange group. In 2000, we restructured to include all stakeholders including brokers and processors and generators.

In early 2011, NNSA came to LLW and asked us to put together a working group to discuss the issues and provide recommendations for disposal issues.

LLW wanted to take a holistic approach and look at the whole life cycle. Simply coming up with recommendations for the back end would not be as helpful. We took 30 months to research and issued report in March 2014. First meeting was with manufacturers. Tried to get everyone’s perspective.

Report is on the website. 24 recommendations

The next year we reached out to different organizations to solicit feedback on the report. One big issue was that the report included language that alluded to national security. Part of that was because NNSA funded the report. We have now adjusted the language and recommendations to soften the language.

• findings, issues and recommendations as per March 2014 report *(Discussion Leader—Gary Robertson, DSWG Technical Consultant)*

Thousands of resources are becoming disused but not disposed of. People are storing them. Federal government has pointed out that there is a dramatic impact if these sources are reused as RDDs. This issue is not being addressed. It is like a Three Mile Island potential, which shut down an entire industry. The regulatory history has found that stored sources are more likely to be subject to loss of sources control. Lack of knowledge of packaging, management, storage, disposal.

Some states have gone it alone but not many

The sources need better tracking. Also there is a lack of Type B containers. It is hard to transport the larger sources

Anine: They should be tracked by the licensee. As an agreement state we track them. We go back every 3-4 years for low level sources

Susan: for Cat 3 we are looking for the NRC to be specifically licensed

Gary: NRC has looked at before. OAS actually petitioned to make the changed

Anine: if you look at fixed gauges, there are about 50-100, hanging out

Gary: We have no idea on how many GLs are out there. Asked NRC and said there are 13. But they have no idea about the agreement states. Hey tried to make compatibility C so that the states could take it on, but it comes with difficulties.

There is no aggressive GL program in some of the agreement states. If the states aren’t doing it

NRC has to take the lead. They don’t even know the total number of GLs that are Cat 3.

GL has been a thorn in everyone’s life for as long as we can remember

Todd: none of the recommendations we came up with were not really new.

Kathy: I think they felt that if they got an outside group it would be better to see the interaction of the other agencies.

Todd: one if the areas we looked at was reuse and recycle and we got pushback from that. NNSA did not agree with that focus but their position has since evolved.

Gary: NNSW thougth Cat 3 sources should be tracked but they are trying to work with NRC and NRC thinks Cat 1-2 should be tracked. Idea to improve the tracking system. The NRC system needs improvements. The agreement state reps gave us that feedback.

Sherrie: It is better now

Jared: It has improved. When it was first introduced, there were a lot of problems

Gary: needs to be more information

Jared: once it decays below the threshold, it is no longer tracked.

Anine: I think it has to be removed by the licensee or the state

Sherrie: Anything below 20-21 curies falls off the list. It is on the facility but it is no longer tracked

Jared: You know lose accountability on sources that are still there

Gary: another argument for tracking Cat 3 sources. Address the availability of type B containers. NRC should notify users when their container is going to be de-certified so the user has the opportunity to find another option.

Cat 3 sources: should they be considered dangerous? Other organizations think yes. Numerous reports and task forces think they should be tracked.

GLs present a risk and they should be specifically licensed.

Mike: size of the source, on to of the lisencing fee, they are being fined based on isotope

Gary: Texas has recently implemented a two year storage

When we met with manufactures and universities, they seemed to store large amount of sources. It much cheaper to store that dispose.

Eric: We store everything!

Gary: The reason used to be lack of disposal capacity, but now it is cost. Texas is open, and I was surprised that everyone did not empty their inventory. But it comes down to cost

Leigh: when there were no facilities, states built storage. There is a bigger picture now about the long term viable options

Gary: we need disincentives for storing

Anine: universities had a basement of old stuff, but they are getting rid of it. Had to flesh out their decommissioning plan

Jared: SCATR program, we consider that a success. We are close to 10,000 sources in the ground

Gary: how many Cat 1 and 2 have been disposed? Possibly one. So we are still not addressing the main issue

Todd; Have you seen more interest in getting rid of the sources because of SCATR and the saving money?

Jared: Yes it is a factor. Good step forward to getting people to realize they can get rid of this stuff

Todd: That is something we are trying to get out, which is that each year you wait, the cost gets higher. Part of the problem is that it has to be built into the budget, which takes time and foresight. How do we get this information out so people know that the cost share is going down?

Jared: The fund runs out in 2018. There is a possibility that we can extend if the grant money is available

Todd: The gov is under pressure that they should not be paying for this, so they want to phase out

Eric; So does SCATR do primarily Cat 3?

Jared: He has to do what the disposal sites are willing to do

Gary: 99% Cat 3 and lower. Too difficult, no containers. DOD and EPA will come out sometimes to dispose

Todd: It seems that the states that promote the SCATR program have much higher success

Jared: A few years ago there was a collection of medical devises and that was a success because there was a lot of promotion and education around it

Gary: Bottom line is to hold the responsibility to the licensee. That means enhanced regulations. Totally different that EPA regulations.

Todd: when we were doing the original report, we looked at different options. We looked into including cost of disposal in original manufacturing costs but got a lot of pushback

Anine: for example with special microscopes, anyone can buy them and they don’t realize that they have to dispose of it properly. Not considered radioactive material, not marked.

Eric: How has the problem changed from 2006 to 2016? Has the problem been significantly reduced because of what NNSA has done?

Gary: no

Rich: it is an ongoing issue

Anine: another problem is recycling of metals. If someone missed that it is an old radioactive gauge, and they melt it down, then it becomes a huge clean up and cost.

We get sources here from Canada.

Gary: I don’t think the problem is resolved because the majority of the users will buy s new product and then just store the old.

Jared: There is a misconception that whoever they bought the sources from, they will take them back.

Gary: And the majority of users have no financial assurance. We are working on pamphlets that inform the buyer of the total cost.

Rich: SCATR doesn’t pay for the entire disposal

Jared: When the grant is over, SCATR will pay for 20%

Anine: The problem is the source is not expensive to buy, and it is very expensive to dispose of

Jared: have you considered a petition to a rulemaking to the NRC?

Todd: That is one reason why you are all here today. We want to make sure we are all in agreement on the issues. NRC has not heard a lot from the users. It is difficult to get the perspectives from the licensees. We would like to see how we can work more closely together on these issues.

• survey of state radiation control program directors *(Discussion Leader—Todd Lovinger,*

*DSWG Project Director)*

Todd: survey was a great effort and exercise on our part. Some of the results were interesting. There are some points of agreement but no clear plan for how to follow up

1. Financial Assurance – our original report recommended for Cat 1-3
   1. We should be giving feedback to the NRC’s scoping study

Jared: OAS is the primary liaison to NRC.

Sherrie: We have the same problem getting feedback from our members. We are trying to encourage states to take the OAS language and put it on their letterhead

Rusty: We just did that too. It is helpful for NRC to see that we are trying to be more cohesive

Todd: Before we send the letters to NRC, we try to address any outstanding issues and disagreements so that we can present a unified front. One of things NRC has said is that they don’t hear from licensees. Is there a mechanism through which they could engage?

We’ve gone back and forth about doing another survey to make sure that NRC hears all perspectives

1. Reuse and recycle: 94% would like to see NRC look into this issues. But when we tried to meet with different groups on this, we get different responses on how viable it is. We spoke with JL Shephard, QalTek,

Gary: Mary Shephard needs to know the make, model, and all info. But if we were to create a database of all these materials, it could be national security risk

Anine: a list like this would be very valuable. But how to get someone to put this together?

Todd: we approached EPA and CRCPD about compiling a list

Jared: goes back to the assumption that the source will go back to the manufacturer.

Todd: We thought that CRCPD could be a good host for a source exchange registry

**\*\*Jared: We can have Ruth give Gary a call after the board meeting**

Todd: two different letters regarding life cycle costs

Jared: How does that fall to the states? Responsibility should fall on manufacture

Rusty: It is a good point, but what if we end up with it? We are trying to educate them

Todd: there are different avenues to distribute the education

Eric: Who are the different trade groups that buy? Medical, etc. If they belong to trade groups it would be good to reach out to them to educated them

Jared: There is the American Portable Gauge Society. American Scrap Institute. There is a liaison on the G-34. ISRI – International Scrap Recycler Institute.

Susan: we reach out to certain trade groups when we are changing regulations

Todd: Regarding GL licenses: less commonality on agreement. Storage time limits: most states agree that NRC should put time limits

When Ry gave a presentation two years ago he asked if there were other states interested and about 5 states were.

Jared: There is no reason to not do it. If you send a petition, NRC has to put it out for comment. Sherrie and I have petitioned in the past and have had some success. CRCPD would go along with OAS.

Todd: I think that is some of the thought process, That if we think there is agreement on this we can approach these recommendations as a coalition. Also before we petition for rulemaking we want to make sure there is support.

Jared: NRC is vulnerable on Cat 4 because of the GAO sting. They could be forced to address it.

Leigh if NRC will be forced, the idea of having the discussion here and now we will know where we all stand.

Gary: Would OAS support a Cat b for financial assurance?

Sherrie: OAS is not a fan of Cat b for anything

Gary: What we heard in our survey was that states cannot go forward without NRC

Leigh: That is why it is important to have OAS and CRCPD here to confirm that you don’t want to go the category B route. We can find another way to get the same end point

Susan: sometimes there is a disconnect about what the categories mean

Sherrie: if the states are pushing in that direction, that is a better way to get there

Todd: So NRC would set the floor, and then the states can be more restrictive

Sherrie: if it is compatibility C, they can run with it.

Todd: Has HPS looked at any of these issues?

Eric: We are much broader than these specific fields. HPS has members that represent states and entities

Todd: Kathy has been holding disused source meetings and there was not an understanding if the rules but it wasn’t communicated

Kathy: They feel like they don’t have the flexibility on their equipment. They are using sources at different times

Todd: Another example of why it is important to engage

ERIC: After 9/11 there was a lot of concern about dirty bombs. My sense is that we have made huge strides to secure sources. What remains to be done that financial assurance will solve, Cat 3, does that get it over the goal line?

Gary: If you are not using a sources and it is just on a shelf, then it is time to bite the bullet and dispose of it

Anine: It is not just cost. It is ownership. They bought it and they don’t want to give it up because it is theirs.

Rich: The standards for accounting for sources is so low. Would never get away with this in a nuclear power plant

Gary: the original DSWG tackled this issue. Until there is something where the user or manufacturer has to pay to store, nothing will change. One of the concerns from the states was that they would be put out of business with the new regulations. It is time that all states address this and hopefully this will be the key of cradle to grave management.

• updated list re DSWG recommendations and priorities as per current status and input from state radiation control program directors *(Discussion Leader—Susan Jenkins, South Carolina)*

Susan: The way we put these together was based on internal discussion, and the survey, and what would be feasible and viable. We are depending on other groups to help and take action on these. While these are our current priorities we consider this a working document and welcome feedback from your groups.

We have started working on these already. The top three priorities we will discuss in greater detail after lunch.

NNSA designing new casks

Gary: DOT and NRC don’t have a problem that a truck will transport international sources from NYC to LA, but you can’t move source to Texas because it is domestic transport without Type B

Anine: They want them IOTA certified, but if they are within the borders why are they no good anymore?

Todd: NRC said they were changing the regulations and kept extending the deadline, finally got to the point where they had to shut it down

Gary: There is a real need, but it doesn’t meet the international requirements. They did get an exemption on a case by case basis

As a group, if we are able to find common ground to the containers and in a letter, spell out to NRC and DOT, we might have a better chance.

Susan: the language used in the exemption process is difficult to see a way in

Gary: They do it for Cat B that has lost certification

Susan: next recommendation is for a Craig’s List for sources or eHarmony source exchange program

Todd: As we have looked at this we now understand that CRCPD would be a more appropriate host for this.

***\*\*\*Lunch Break\*\*\****

• CRCPD’s Part S Working Group on developing suggested state regulations concerning financial assurance for disused sources *(Discussion Leader—Anine Grumbles, Part S Working Group Chair/State of Washington)*

Anine: changed the alpha sources, seemed like a reasonable change and came up with the number based on waste site.

All radionuclides greater than 120 days; went down all the way to portable gauges. Licensees in Washington use gauges until won’t work anymore. They also rewrote the regulations; informed by CRCPD that they are now ready for peer-review by non-CRCPD Committee members (Jared said that they can be members of CRCPD, but not active members of your committee); asked to include one of licensees who happens to be an HPS members (Bruce Busby) – he is also a former regulator; one of major considerations is to do this in a gentle, kind way so that it has as little impact on regulators as well as licensees; he is in favor of doing something, not sure what; maybe this would be an opportunity for private insurers to get involved.

Todd: Canada has a similar program where you pay a low annual fee and that goes into a fund so that the taxpayers do not have to pay

**\*\*TODD SEND ANINE INFO RE ISSPA WORKSHOP**

**\*\*TODD SEND ANINE INFO ON CANADA PRESENTATION**

Anine: Just need to make sure there is an end of life plan.

The presentation is being given to various audiences. Waiting for peer review to move forward

Jared: peer review comments have to be addressed, then it goes to the board for approval. Could consider having OAS peer review

Susan: then NRC has to buy off on it?

Jared: yes

Anine: regarding GLs: Three instances of transporting radioactive material within the last three months; they lost the materials. Two were FedEx, they are generally licensed. There are gangs and thieves working for FedEx who steal packages or reroute them to bogus addresses. If they get the idea that radioactive material has monetary value, it becomes a security issue. FedEx is regulated by DOT.

Susan: Our state has a MOU that we can override DOT

Jared: Not every state does

Anine: “In transit” exempts them from responsibility. We are trying to escalate this issue to the state of Washington. Sent letters and information to NRC, FBI, DOT

One package on route to Tasmania got rerouted – took them over a month

All the above to illustrate why we do not need GLs. Some packages have gone missing and never been found

Susan: you should send a letter to NNSA

* NRC staff’s recommendation to expand financial assurance requirements in 10 CFR 30.35 to include all byproduct material Category 1 and 2 radioactive sealed sources that are tracked in the National Source Tracking System (NSTS) database *(Discussion Leader—Rusty Lundberg, Utah)*

Rusty: financial assurance is at the top of everyone’s list. The SECY paper: approach it to look at current regulations and guidance

Still a need to engage the licensees and brokers and get their input

Staff does believe and support financial assurance for Cat 1 and 2 – want to focus on sealed sources

Staff agrees that the assessments that providing financial assurance moves towards the idea of enhancing and improving security goals. There is a recognition that more outreach from the start of possession helps. Current regs ensure safe handling of sources but new regulations would improve.

Some licensees will be unprepared for end of life costs

Recommendations for Cat 3-5 resources, but should look at Cat 1-2 first – so they do recognize the other categories

Next step: Staff will prepare another SECY paper looking at the rulemaking aspect

Rusty: Positive step and NRC is moving in a helpful direction

Eric: Is it likely that NRC will proceed with rulemaking?

Rusty: Good question. They don’t want to create more work for themselves but they recognize that the financial assurance does not cover all the Cat 1 and 2

Eric: HPS could raise awareness that this is happening -- on website, newsletters

Todd: we can also be a resource to your groups, eg when something comes out in the Federal Registry Notice, we can alert you

Eric: NRC received a request for rulemaking from HPS to relax restrictions on low doses

Susan: we just had a meeting with the GAO looking at the same thing. They were looking at federal agencies. Came from a request from Congress

Eric: NRC is under tremendous pressure to reduce costs.

HPS is very pro-nuclear, and the recommendations of this group can be seen as overreach

Gary: there will be a huge financial impact on the members of HPS

Gary: There is definitely a ratcheting down of amount of cesium can hold before financial assurance kicks in we brought in John Hageman and he said it would cost him multi millions of dollars if financial assurance was implemented.

Eric: This is the next step of getting control, at first it was the unsealed sources in the 1990s.

Mike: Financial assurance is not a bucket of money. It is a risk management tool.

Leigh: Thermo-Fisher has 24,000 sources; luckily they have deep pockets. In HPS world, there is a different perspective that is playing out than the conversation in this room; when you start talking, you can start to reach some alignment – not too much regulation but also being safe.

Eric: it’s the phrase NRC started using 15 years ago: “risk-informed” Can we make this a market opportunity? A regulatory driver and a viable business model

Susan: a business model is good but we should appeal to people’s sense of security

Rusty: I think some people would respond to that as well as liability risk

Susan: and if bad guys manage to get hold of this and it gets traced back to the manufacture that looks bad

Todd: There is the issue of the middle ground that Eric brought up. If the cost basis for how you are using the material does not include the disposal it is not realistic

Leigh: people need to know if the business model is not viable

Todd: and there is no incentive to develop a business model because there is no regulator

Leigh: WSC is an option for 38 states

Rusty: Clive is wholly privately owned. But the compact has some jurisdiction over it

Leigh: there are currently an offer for EnergySolutions to buy Clive

Eric: We need to figure out, sending the sources to WSC and Clive, how cheap can it be?

Rusty: Are you deferring your liability or do you want to address it now? At what point do you tip it and what is the best approach?

Susan: the price is not going down, that is why we will push this in the educational materials

Todd: there are many different cost analysis

Gary: Joe Klinger mentioned that they did a gradual introduction of financial assurance. Gives some incentive of reuse and recycle.

* passage and implementation of two-year storage limit by the State of Texas and consideration of similar action by other states *(Discussion Leader—Rich Janati, Pennsylvania)*

Rich: problem is when licensees claiming a potential future use. Another problem is application. State of Texas develop regulations for storage time limits. Idea was to encourage disposal in timely manner. Formed a working group with other states, Texas was lead. Biggest concern raised was cost. Imposes two year storage limit unless there is an intended future use. Have to document. It was passed in March 2016. Not a lot of experience with it as of yet because went into effect in March 2016. This requirement also applies to radioactive waste and sources (does not specify GL or SL). Look at preamble and it is very simple how they justify it.

There are three recommendations from DSWG – financial incentive to discourage extended storage.

Sherrie: AS are all on board for licensees to set money aside, but don’t think that Oregon model will work for most states because money for most states goes into the general fund

Leigh: in Texas, it can work somewhat because legislature sets up a dedicated fund, but issue is that it can be swept; another idea is to track in use and disused separately

Sherrie: there is support for getting rid of GLs, but concern about cost of doing so

Anine: use licensing costs to pay for this

Sherrie: the problem in Minnesota is that the money goes into general fund and they would not necessarily get more money even if bring in more money

Susan: in South Carolina where they increased fees, went to legislature, and money still not given to agency

Rich: in PA by policy, they will no longer issue general licenses

Todd: if NRC takes lead, does that address the issue of having limited funds to do more work?

Sherrie: not necessarily.

Gary: the IMPEP review was saying that the program is not adequately funded

* White Paper and talking points re suggestions made during scoping session on brokers and processors perspectives *(Discussion Leader—Kathy Davis, Southwestern Compact)*

Kathy: Commissioners felt that there should be more outreach to the generators, brokers, processors, users and other stakeholders. There were workshops presented last year and this year in California; different perspectives, Northern California a lot of medical generators that said that they do not budget for disposal

The estimate is that 1% of sources are being reused. Did not want to pay for disposal for filter socks, so they were washing them until the state regulator said they could not do that; also dropping them off across state lines

Qal-Tek wants to create a program that focuses on reuse and recycle. They think that they will try a pilot program in South Dakota; must be a real program to take sources that can actually be recycled.

State of California has over 600 sources that were sent to Thermo-Fisher.

Leigh: the more I learn, the more I think that there may be some value or benefit to continuing to flesh out some of the recommendations by the brokers and processors. At first, there was a wall of resistance to signing document to allow sources to come in to Texas because they thought that they had no liability since transferred it to someone else. The more we move forward, the more I think that outreach is a vital component.

* development of educational materials for current and prospective licensees: purpose, scope, outline, stakeholder feedback and next steps *(Discussion Leader—Mike Klebe, DSWG Financial Assurance Consultant)*

Mike: we looked at direct mail, targeting two different audiences: current and prospective licensees. Focus is quite different for each audience: (1) existing licensees is to explain liability concerns and provide information on disposal assistance and (2) prospective licensees is to explain life-cycle costs so that they will think about that up front.

We borrowed from existing working group documents; tried to hook them quick and give them succinct information. It was shared with the CRCPD board and e34 committee provided comments.

Communications group is working on the graphics. There should be a 2-3 week turnaround

It is an informational brochure distributed with a letter

Prospective licensees and do it at renewal; will send it out with a prospective

Todd: we can also put it on website with the application. State programs – not sure if they would do it – it is NRC jurisdiction

Jared: Good example is the SCATR program. Most people do not realize

As far as the logos, are there?

Jared: There is not a SCATR logo – can use the CRCPD – contact Sue Smith. Better to see that it is endorsed by various groups

Mike: Under potential liabilities, Washington would not be able to charge back to the licensee for emergency response

Todd: That is why we are providing in a Word format so people can customize to their state.

The focus is similar – for existing we tried to hook them by pointing out liability

**\*\*TODD SEND SHERRIE BLURB SO THAT SHE CAN ASK HER BOARD IF IT WOULD BE OKAY TO DISTRIBUTE PAMPHLET FOR FEEDBACK AT OAS MEETING.**

**\*\*CONTACT SUE.SMITH AT** [**SSMITH@CRCPD.ORG**](mailto:SSMITH@CRCPD.ORG) **AND ASK FOR PERMISSION TO USE CRCPD LOGO FOR SCATR**

• the path forward—working together to improve the proper management and disposition of disused sources *(Discussion Leader—Leigh Ing, Texas Compact)*

Leigh: Thank you all for coming today. We will not be able to advance anything without OAS and CRCPD and HPS. We would like to continue working together and identify areas of agreement OR where we can develop agreement, for example with Eric’s constituency. Same thing with State Programs

Kathy: we are also a resource for you – we can help network for you. We do not control disposal rates, but are supposed to be tracking disposal information and assisting in avoiding problems in the process.

Todd: is this something you are interested in? Continuing to work with us? Does that require a formal resolution from your groups or an assignment to a task force?

For CRCPD – there is buy in to continue

OAS is having their meeting in August and Sherrie will be giving a summary of the meeting

Sherrie: all the topics are of interest to us. The GLs will be more difficult and other recommendations might need to be tweaked. Have to go back to the board and discuss. Will be able to touch base in August

Jared: form our perspective, there are already things that are on our radar – sources exchange, we have to discuss. We need to talk more about it. No opposition to it, but right now there is no money. With regard to the life cycle cost, the brochure – we would be glad to put on our website for access, but need to run by the board – they might want to peer review

The big thing is to review comment and support and petition for rule making

Definitely on the brochure and great way to outreach a broader audience

We could even be part of this working group. We can establish a liaison to participate in these meetings

Todd: One of our big messages is that we want to have agreement. From a logistical standpoint, we can provide funding for travel – add them to the Los Alamos fund. It’s hard to keep changing people, but if you were to designate someone, we can add them to the group. In the future, we can have a more structure to the agendas. Next step would be to have a kick off meeting and then work to figure out how we can manage this to a workable set of issues, and what process will we use.

Start out be discussing the big issues and then prioritize, financial assurance, GL, etc. Redo the rankings with the input from you so that we can move forward. Then develop a process to come to agreement on other categories.

Jared: our liaisons are not usually board members and they usually serve for about five years

*\*\*Meeting Adjourned\*\**

**July 8, 2016**

9:00 am - 12:00 pm (Open to Working Group Members, Staff Only)

• review and continued discussion re prior day’s agenda topics

Todd: I am pleased that all three attendees participated, thought it went very well, good start to the discussion. Talked with Sherrie after the meeting; she can’t speak for the board and is not sure they have a mechanism to appoint someone. She will check. Anine and Gary and I will be at the HPS meeting and will follow up with Eric. Main thing would be to get agreement from their board.

Rich: What are we expecting from the HPS?

Todd: The message I got was that they are so broad. On the other hand, the users and licensees haven’t had much of a voice and we have been having a hard time finding a way to communicate with them. Eric said they do have smaller sub groups within the society

Gary: In the past they have written position statements. One was tracking Cat 3 sources. I think the NRC would listen to the HPS.

Leigh: it seems that HPS is a challenge, but they are important. As financial assurance moves along, it’s their membership that will be the most impacted. The people who will be regulated will be members of HPS. The idea of bringing that group in will be very important, it will be hard, but worth it.

Todd: Whereas OAS and CRCPD are more aligned, it’s better to get HPS to the table and have conversation. When Kathy was talking about Northern California meeting, she mentioned that medical does not set aside money for disposal. While Eric was resistant to that, at least we are bringing it to their attention and starting the conversation about it

Susan: All the activity around NRC is around safety. HPS can relate to that and probably why we were thinking that they would be supportive of our work. But they are not familiar with the national security aspect. The other challenge with the medical industry is that they dose people up all the time. That is the disconnect we have to bridge.

Leigh: same thing happened at the meeting with Dave Martin. You saw the light bulb go off when he started talking about all these diverted disasters. Then they started getting defensive about how hard it is to get rid of materials. But know they understand.

Susan: they want to take care of their sources because they want to keep using them. But we are talking about disused sources.

Todd: I thought it was interesting when Eric raised the concern about using regulations to make nuclear not as competitive as some of the alternative, but there is not a similar concern about if there is an issue of theft of sources from a hospital, that would create a huge problem to the industry as well. It’s always good to get everyone to the table

Gary: Better to try to take small bites out and modify slowly.

Rich: I was looking at our priority list for recommendations. Getting 5 out of 11 will not require rulemaking. I was surprised that some states don’t have dedicated funds, they only have general funding.

Rusty: Even if you have dedicated funding, you still have to justify how you are going to use it.

Kathy: it seems to be a common practice for states. Even if you have dedicated funding the governor can come and take it away.

Gary: when our disposal sites closed, we have dedicated funds for perpetual care maintenance. We turned the fund over to the federal government, which went into a general fund. I think that is the blueprint for most states. It is too bad, but that is the way it is.

Susan: One of the concerns about the funds is doing the inspections. Does NRC allow phone or other non-in person inspections? Can you do a paperwork audit in place of in person inspection?

Gary: That is what a lot of states are doing. You send a letter out and if it gets returned with address unknown, maybe you should go out there.

Rusty: We break up inspections in to modules. Some of that is administrative. We could ask for paperwork from Energy*Solutions*

Susan: there can be things we do like inventory where we don’t have to always go out. Also you could encourage all the states to have a more robust General License.

Gary: I think NRC is trying to encourage that. I think we have a great opportunity with Jared and Joe. We should ask them to do a survey of the states and find out how many GLs there are. With that evidence, we can ask them to license on average four more and change from GL to SL.

Susan: But if someone just has one source that goes from GL or SL, then don’t they have to have an RSO, etc? There will be pushback, it is very expensive. I think the GLs exist because the safety concerns are not there.

Gary: But there has to be someone who has the understanding the gauges have radiation. You need to get inspectors out there every few years. Most of the Cat 3 GLs are fixed gauges.

Susan: Mayne for the GLs we could get NRC to change regulation to address the security aspect

Gary: You can do that with a specific license. I don’t think it would overwhelm a refinery to have a SL for Cat 3.

Susan: but before you can understand what the burden will be, we need to get a handle on what is actually out there.

Gary: Yes we have to have Joe and Jared at NRC conduct a survey to find out.

***\*\*Ask Joe and Jared to do a survey of states to find out how many Category 3 licenses there are as of now.***

Susan: We are focused on the security part. Every state will have their data. Certain states may be at more risk than others in terms of sources being stolen. What if we have a pilot program to have an assessment done on their state, maybe have NNSA put some money towards getting that information? Then that can be a model for other states, almost like a report card.

Gary: I think the first stage is finding out how many there are and what type there are. Then we can assess the impacts.

Todd: this conversation is going in a slightly different direction. Regarding analyzing yesterday’s meetings, I think we should focus on getting liaisons from each group on the Los Alamos list so they can start regularly attending meetings. We can start with the Saratoga Springs meeting in Novembers. We can start with the list of priorities. Six of them will require some kind of rulemaking and Jared yesterday kept bringing up how CRCPD could support that.

Regarding NRC, if we go to them about security issues, they will say we are health and safety. NNSA is security but NRC controls the regulations. So I would like to focus on how we can coordinate with the groups from yesterday and getting them on board with the priorities. Also come to agreement on areas where there are different perspectives.

Gary: We have a good record with B2B and Part 61 we can find common ground

Todd: Yes I think those are good examples and we can focus on the same thing. We need to get OAS and CRCPD to buy in or we will not move forward with NRC

Gary: Jared invited us to write a petition for NRC and they will support. This is key for us to finally close this out.

Todd: If we get them to appoint formal liaisons to the group, then we can start to work together to develop a petition for rulemaking.

Gary: And if we take it in steps and ask them to handle Cat 3 first.

Todd: Yes and if we had the results from the survey to show how many Cat 3 there are out there.

Rich: As far as NNSA, are there any milestones or deliverables?

Gary: Jared and I have done petitions before and I think CRCPD is looking for someone to take the lead

Todd: What do people think about having another meeting with this group in November during the LLW Forum meeting in Saratoga Springs?

***\*\*Invite liaisons to our meeting in November to kick off***

Kathy: If we are trying to coordinate it seems like a good idea to coordinate with the November meeting

Rusty: I think this is a way for us to be coordinated with OAS on a regular basis

**\*\*TO DO:**

**1. Import Export priority chart**

**2. Look into LLW Forum taking over the BP Directory again, with Cecilia updating on a quarterly basis**

**3. Updating the figure for number of sources and update through a survey of the states**

• follow-up re White Paper and talking points on suggestions from brokers and processors *(DSWG Members and Staff Only)*

Mike: CRCPD has a very useful list

Todd: Ours was intended to be more interactive and for people who do not have the kind of knowledge. You can search by service and other key words. Originally built as a user-friendly design, but it has not been updated

***\*\*Put together a document of compact import and export authorities.***

Leigh: do not want to pursue idea of consolidated facility. However, brokers and processors have a role to play. So, it is important to have an open dialogue with them.

Leigh: I do not care about identification of universe from brokers and processors perspective of putting together a bid package; however, for us, think that there is value in getting that information.

See citation to GAO report on 2 million sources.

***\*\*Contact GAO re how got 2 million sources figure and see if we can come up with a more current number. Possibly add it to the survey via CRCPD. Check with NNSA as well to see if they have a number.***

Rusty: issue of multi-compact workshop on disused sources.

\*\****Put on agenda for Executive Committee to recommend that other compacts do this as well.***

Kathy: what about a licensee that bought gauges and does not want them?

Gary: I suggest notifying Russ Meyer.

Question is do the manufacturers take back in general?

Mike: what about structuring meetings to have part of it open so that they can come in during open portion and then leave while we meet in private. Once have specific issue, then provide opportunity.

Leigh: the problem is that they do not have trade association.

***\*\*Todd reach out to brokers and processors.***

***\*\*Todd reach out to Linda/Ted to ask if Cecilia can take over as administrator of national directory to keep information updated and maintained.***

• outreach to and coordination with other stakeholders *(DSWG Members and Staff Only)*

* special session presentation at Health Physics Society (HPS) annual meeting in Spokane, Washington from July 17-21, 2016
* upcoming Organization of Agreement States (OAS) annual meeting in Denver, Colorado from August 21-25, 2016

***\*\*Rusty and Susan will be at OAS meeting. Todd touch base with Sherrie. If going to discuss in board meeting, ask Susan and Rusty to support.***

* National Council on Radiation Protection & Measurements: status update re report on disused source management and disposition, next steps and path forward
* medical community and licensees: next steps and path forward
* brokers and processors: next steps and path forward
* licensees (e.g., medical, academic, industry, etc.): next steps and path forward

• survey re management and disposition of disused sources *(DSWG Members and Staff Only)*

* potential further action regarding results of state radiation control program directors
* potential revisions to and distribution of new survey to other stakeholders (e.g., licensees, federal regulators, waste processors, waste disposal facility operators, etc.)

Leigh: I think that the survey will not be of use now because they will be negative and information will not be useful and/or they will not want to give information.

***\*\*Maybe we could develop a workshop model for compacts and states to use to provide outreach to their users and licensees.***

***\*\*Maybe put this on the agenda for another DSWG meeting to brainstorm earlier on (not at end of meeting) for how to reach out to and inform licensees and users.***

• other outstanding issues and considerations *(DSWG Members and Staff Only)*

* planning and input for next Radiation Source Protection and Security Task Force report, due in August 2018
* potential revisions to DSWG materials (e.g., poster, brochure, talking points, etc.)

• other DSWG meeting dates and locations and planning for fall 2016 meeting *(DSWG Members and Staff Only)*

* Susan asks about educational materials timeframe. They can make multiple product offerings. Add graphics with pie chart, life cycle or charts of costs over years.
* Susan will try to get documents to us by mid-August and then make available at OAS and send to working group.

**\*\*Todd to contact NNSA and CRCPD re use of logos.**

* Goal is to finalize at November meeting.

*\*\*Meeting Adjourned\*\**