

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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PAPER NUMBER: LTR-05-0173 **LOGGING DATE:** 03/30/2005
ACTION OFFICE: EDO
AUTHOR: Susan Jablonski
AFFILIATION: DC
ADDRESSEE: Nils Diaz
SUBJECT: LLW forum requesting further discussion of position statement and draft legislative language presented by OAS and HPS
ACTION: Appropriate
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CHAIRMAN REC'D
05 MAR 29 AM 9:27

LOW-LEVEL RADIOACTIVE WASTE FORUM, INC.

1619 12TH Street, N.W. – Washington, D.C. 20009
(202) 265-7990 * (202) 265-7995 FAX

March 24, 2005

Nils Diaz
Chair
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Mail Stop)-16G15
Rockville, MD 20852

Dear Chair Diaz:

At its recent meeting in Salt Lake City, Utah, members of the Low-Level Radioactive Waste Forum, Inc. (LLW Forum) heard a presentation from the Chair-Elect of the Health Physics Society (HPS) on a position statement and draft legislative language that the organization has crafted, in conjunction with the Organization of Agreement States (OAS), calling for uniform safety and security regulations for all discrete sources of radioactive material. Thereafter, a representative from the U.S. Nuclear Regulatory Commission provided a brief overview of the agency's current work and interest on this important issue.

When the presentations were concluded, state and compact officials, federal agency representatives, and members of the waste management and disposal industry engaged in dialogue and exchanged views on issues raised by the position statement and draft legislative language. The presentation and subsequent discussion were a continuation of dialogue on this topic that was initiated by the LLW Forum at its September 2004 meeting in Buffalo, New York. At that meeting, the Board of Directors of the LLW Forum passed the attached resolution that identifies what we believe to be some unintended adverse consequences of legislation that was previously proposed by Senator Hillary Rodham Clinton and asks Congress to work with states, compacts and federal agencies to resolve the concerns.

During the discussion at the March 2005 meeting, certain members of the LLW Forum identified issues that may not be addressed by the joint position statement and draft legislative language put forth by the HPS and OAS. Accordingly, a resolution was passed by members of the LLW Forum requesting further discussion with representatives from the U.S. Nuclear Regulatory Commission, Health Physics Society, Organization of Agreement States, Conference of Radiation Control Program Directors and LLW Forum on any outstanding issues and to ensure that the concerns of all parties are adequately addressed. By means of this correspondence, the LLW Forum invites you to participate in either a conference call or meeting on such issues.

As you are probably aware, the LLW Forum is an independent, non-profit organization established to facilitate state and compact implementation of the Low-Level Radioactive Waste Policy Act of 1980 and its 1985 amendments and to promote the objectives of low-level radioactive waste regional compacts and unaffiliated states. Directors that serve on the Board of the LLW Forum are appointed by Governors and compact commissions as the designated liaisons of states and compacts on low-level radioactive waste disposal and management issues. The LLW Forum provides an opportunity for state and compact officials to share information with one another and to exchange views with officials of federal agencies, members of the industry and other interested parties.

Please contact Mr. Todd D. Lovinger, the LLW Forum's Executive Director, at (202) 265-7990 and let him know whether you or a member of your organization would be available to participate in such a conference call or meeting. Once we have heard back from all invitees, we will coordinate schedules and make the necessary logistical arrangements.

The LLW Forum sincerely appreciates your interest and work on this important issue and looks forward to continuing dialogue with you and the other interested organizations and federal agencies. If you have any questions about the proposed meeting or attached resolution or any other matters related to this issue, please feel free to call me at (512) 239-6731 or Todd Lovinger.

Thank you.

Sincerely,



Susan Jablonski
Chair
LLW Forum, Inc.
Low-Level Radioactive Waste Specialist
Texas Commission on Environmental Quality

Enclosure

RESOLUTION RE SENATE BILL 2763

**LLW Forum
September 2004**

WHEREAS there is a legitimate interest in providing for the federal regulation of discrete radium sources, accelerator-produced radioactive material, and similar materials that may pose a threat to homeland security;

WHEREAS currently, disposal managed under the low-level radioactive waste compact system provides a safe means of disposing all such materials;

WHEREAS S. 2763 as introduced and referred to the Senate Environment and Public Works Committee would define such material as "by-product material" to initiate federal regulation of these materials; and

WHEREAS S. 2763 as introduced, by changing the definition of such materials, would create unintended adverse consequences including, but not necessarily limited to the following:

- Potential elimination of the only disposal outlet for the majority of high-activity discrete radium sources in the nation; and,
- Potential roll back of Congressionally approved compact regulation of these materials that has provided for the safe disposal for nearly two decades;

THEREFORE the Low-Level Radioactive Waste Forum encourages the Senate Environment and Public Works Committee to work with the Congressionally approved compacts, states, and federal agencies to refine S. 2763 so that the unintended adverse consequences are avoided.