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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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1996 ALL AGREEMENT STATES MEETING

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THURSDAY

SEPTEMBER 19, 1996

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ROCKVILLE, MARYLAND

* * * * *

This meeting came to order in the auditorium
at Two White Flint No. Rockville Pike, Rockville,
Maryland, at 8:00 a.m. X. Cameron, Facilitator,
presiding.

PRESENT:

- F.X. CAMERON, Facilitator
- AUBREY GODWIN
- KIRKSEY WHATLEY
- BERNARD BEVILL
- ED BAILEY
- VICKI JEFFS
- WILLIAM PASSETTI
- THOMAS HILL
- PAUL EASTVOLD

1 ALSO PRESENT:
2 DON FLATER
3 VIC COOPER
4 WILLIAM SPELL
5 ROBERT SCHELL
6 ROLANL FLETCHER
7 ROBERT HALLISEY
8 ROBERT GOFF
9 BRIAN HEARTY
10 STANLEY MARSHALL
11 DIANE TEFFT
12 WILLIAM FLOYD
13 GENE MISKIN
14 PAUL MERGES
15 STEVEN GAVITT
16 RITA ALDRICH
17 MICHAEL BRODERICK
18 AARON PADGETT
19 KENNETH WANGLER
20 ROGER SUPPES
21 RAY PARIS
22 STUART LEVIN
23 MARIE STOECKEL
24 MAX BATAVIA
25 HENRY PORTER

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1 ALSO PRESENT: (CONTINUED)
2 EDWARD NANNEY
3 RICHARD RATLIFF
4 ALICE ROGERS
5 WILLIAM SINCLAIR
6 JOHN ERICKSON
7 WILLIAM HUTCHISON
8 ROBERT QUILLIN
9 PAUL LOHAUS
10 RICHARD BANGART
11 PATRICIA HOLAHAN
12 LARRY CAMPER
13 FRANK CONGEL
14 MELCOLM KNAPP
15 RICHARD BANGART
16 NICK COSTANZI
17 DENNIS SOLLENBERGER
18 KATHY ALLEN
19 KATHY SCHNEIDER
20 JOHN RICCI
21 JAMES MEYERS
22 LEWIS CLAYMAN
23 HUGH THOMPSON
24 TRISH HOLAHAN
25 CHERYL TROTTIER

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1 ALSO PRESENT: (CONTINUED)
2 WILL HUTCHINSON
3 TOM HILL
4 MIKE WEBER
5 FRANK CARDILE
6 WILLIAM OLMSTEAD
7 STEVE COLLINS
8 CARL PAPERIELLO
9 TOM ANTUSH
10 FRED CONKLIN
11 CRAIG GORDON
12 BILL HEHL
13 CARDELIA MAUPIN
14 ROBERT KULIKOWSKI
15 BRUCE SZANAS
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1 P-R-O-C-E-E-D-I-N-G-S

2 (8:00 a.m.)

3 GOVERNOR GODWIN: I guess you have the latest
4 copy of it we just passed out yesterday. Does somebody
5 have some changes to it? Let me ask that first.

6 MR. QUILLIN: Alice.

7 MS. ROGERS: The grammatical experts would
8 like to advise, of which I am not I want to make clear,
9 that on the third whereas where the sentence says,
10 "Whereas, NRC is charging a supplemental fee for waste
11 disposal and these fees are not being provided to the
12 Agreement States and therefore not equitable." I'd like
13 to suggest that the end of that sentence say, "and
14 therefore are not distributed equitably."

15 The other thing is on the ninth whereas which
16 says, "Whereas, for an Agreement State to maintain an
17 adequate staff, the staff must meet minimum training
18 requirements which include training by NRC or consistent
19 with NRC standards." I'd suggest that that last phrase be
20 changed to say, "which include training by NRC or training
21 that is consistent with NRC standards."

22 GOVERNOR GODWIN: I would easily accept those
23 changes.

24 MR. QUILLIN: Are there any other changes
25 proposed to this resolution? I assume the seconder

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1 concurs on those changes? Do you remember who the
2 seconder was?

3 MS. ROGERS: Aubrey was the seconder.

4 GOVERNOR GODWIN: No.

5 MR. QUILLIN: It was his proposal originally,
6 but then this is a modification. Anyway, are we ready to
7 vote on the motion or the resolution? All in favor
8 signify by saying aye.

9 RESPONSE: Aye.

10 MR. QUILLIN: Opposed. Resolution carries.

11 GOVERNOR GODWIN: Since Alice has to change
12 this.

13 MS. ROGERS: I'll do anything for you, Aubrey

14 GOVERNOR GODWIN: We'll get together again.

15 MR. QUILLIN: We also had a motion from
16 Illinois concerning the editorial changes to the
17 compatibility document. Are there any further changes,
18 Steve, that you wanted to propose?

19 MR. COLLINS: Not that I wanted to propose.

20 MR. QUILLIN: Is there any discussion of the
21 changes? You've had an evening to consider these. Rita.

22 MS. ALDRICH: One minor change, I guess really
23 more grammatical, page 5, number 3, where Steve has added
24 paragraph A, the lower half. "Such Agreement State
25 regulations or program elements need not be equivalent to

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1 the corresponding emission regulations." I would seek
2 changing that to program elements. Such Agreement State
3 program elements should be effective as corresponding
4 emission program elements. So I would be crossing out
5 need not be and inserting should be as effective as and
6 then crossing out equivalent to.

7 But on a substantive basis, I had a problem
8 before with that criteria 5 in guidance that was developed
9 by the working group that relates back to the phraseology
10 about the compatibility component and conflicts,
11 duplications and gaps, and I think the changes that I'd
12 suggest are probably a little too much to just, you know,
13 run through here, but I can see that causing us large
14 problems down the road because they are such open ended
15 and subjective criteria. And it seems to relate back to,
16 for example, on page 2, the inserted paragraph, the second
17 paragraph, the third, fourth sentence, where it says,
18 "Secondly, the Agreement States Program should also insure
19 that the program serves the overall national interests."
20 That's a mutual obligation, and I think it should be
21 worded that the Agreement States and the NRC must insure
22 that their programs are consistent and keep the parents
23 compatibility component.

24 And if that were changed, then when we get to
25 compatibility on page 4.b, where is currently says, "An

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1 Agreement State Radiation Control Program is compatible
2 with the emissions regulatory program when this program
3 does not create conflict, duplication, gaps or other
4 conditions." I would rewrite that to say there is a
5 mutual obligation that Agreement States and NRC conduct
6 compatible programs since failure to do so could
7 jeopardize an orderly pattern of the regulation of
8 agreement material on a national basis.

9 And then on page 5, the other paragraph that
10 contains this kind of wording, in 3.a, it would be the
11 fourth line down, where it speaks about programs elements
12 that are important for an Agreement State to have in order
13 to avoid again conflicts, duplications, gaps or other
14 conditions which could jeopardize, et cetera. I would
15 replace that with program elements that are important for
16 an Agreement State to have in order to insure an orderly
17 pattern to the regulation of agreement material on a
18 national basis. I feel that that would leave out those
19 words that seem to lead to an opportunity to make various
20 objective judgments. The examples given in the working
21 group paper of things that can be duplications or gaps or
22 conflicts were things like requiring more recordkeeping,
23 more training, and I can see where that would be a problem
24 for the Agreement States as far as more training for that
25 institution and NRC.

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1 It could lead to conflicts like that, you
2 know, if your training requirements were a position to
3 practice nuclear medicine or radiation therapy or more
4 extensive than NRC's, that could be considered
5 incompatible. Anyway, I would strongly recommend that we
6 make changes in those types of wording that leads to the
7 opportunity for this or that.

8 MR. QUILLIN: Steve.

9 MR. COLLINS: The only reason that I didn't
10 already change that language to be something like Rita's
11 suggesting was that I had put in a provision or statement
12 that said that those kinds of things would be determined
13 jointly by the Agreement States and the Commission. If
14 we've got to jointly determine them, then I thought that
15 would take out a lot of the problems that could be created
16 by the massive freedom to make judgment calls as to what
17 is duplication, gaps and those other vague terms, but I
18 have no objection to the proposed language that Rita has
19 submitted as amendments.

20 MR. QUILLIN: So you accept the change.

21 MR. COLLINS: I have no objection to the
22 changes.

23 MR. QUILLIN: Any discussion on Rita's
24 proposed changes? Aubrey, you served on this group, did
25 you not?

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1 GOVERNOR GODWIN: Yes.

2 MR. QUILLIN: Do you want to comment on your
3 perspective of --

4 GOVERNOR GODWIN: Well, you know, obviously
5 this is the Agreement States position. It's going to be
6 different from the Regulatory Commission position. We
7 were constrained by several things including the fact that
8 we worked within the then existing interim policy.
9 Submitting this just simply states that the Agreement
10 States should do them, and I don't see how it affects our
11 report at all.

12 MR. QUILLIN: Okay.

13 GOVERNOR GODWIN: And, of course, we'll have
14 to deal with it naturally, and the Commission will
15 ultimately have to decide whether they accept the
16 Agreement State comments or whether they want to retain
17 their own policy. The key issue there develops around the
18 question of is compatibility required after you become an
19 Agreement State? OGC for the Commission says yes. Other
20 State counsel says no. Until it goes to court, that's
21 just a standoff position.

22 MR. QUILLIN: Yes, Roland.

23 MR. FLETCHER: One other point and a point
24 that I'm hearing and it is also a position that I think is
25 not an universally shared issue and that is the Atomic

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1 Energy Act statement in essence that both parties, and I'm
2 paraphrasing, both parties once an agreement is signed
3 will do all that they can to maintain compatibility which
4 I think goes back to why Rita and Steve are adding the
5 words that the Agreement States and the Commission out of
6 a reminder of that original perspective, but with the
7 amendment of '75 or '76, some of that, at least the impact
8 of that original language seemed to have been watered down
9 somewhat. I think that's what they're working against.

10 MR. QUILLIN: Is there any other discussion or
11 comments? If not, are we ready to vote on the motion

12 GOVERNOR GODWIN: Motion to amend.

13 MR. QUILLIN: Yes. All in favor of the motion
14 to amend signify by saying aye.

15 RESPONSE: Aye.

16 MR. QUILLIN: Opposed. Motion carries. Are
17 we ready to vote on the basic motion? All in favor
18 signify by saying aye.

19 RESPONSE: Aye.

20 MR. QUILLIN: Opposed. Motion carries.

21 MR. COLLINS: Now that we have this, I hope
22 that every state will take it back and the last survey
23 that Wayne Kerr did, there were at least 21 of the
24 Agreement States whose legal staffs had said they agreed
25 with the position that compatibility was not a requirement

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1 of the Atomic Energy Act after you had become an Agreement
2 State. Now that's different than the question where we
3 signed the agreement, did we pledge our best efforts to
4 maintain it, which we all did, but I would ask each one of
5 you to get your state's legal opinion in writing as to
6 whether or not your official legal people agree with the
7 position that they do not believe the Atomic Energy Act
8 requires it. I think it's going to be key that we be able
9 to collect a set of letters or something to show the
10 Commission that our legal staffs in fact support that
11 position, and one day we may be willing to fight it and
12 let the justice system decide.

13 MR. QUILLIN: Yes.

14 GOVERNOR GODWIN: A point of clarification.
15 How will we get copies of the amended version?

16 MR. HILL: Rita, do you have your changes
17 written out?

18 MS. ALDRICH: Yes.

19 MR. COLLINS: Usually the secretary of this
20 group submits to all the states a summary of the minutes
21 within two or three weeks of the meeting usually

22 GOVERNOR GODWIN: Okay.

23 MR. COLLINS: We can get copies of it to you.

24 MR. QUILLIN: Is there any further business
25 for this session? If not, the general meeting of the

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1 Organization of Agreement States is adjourned.

2 Thank you all.

3 What I'll do now is give my report to Dick of
4 the meeting although Dick was here for most of the meeting
5 and hear it himself. It's sort of redundant, but that's
6 the process we follow.

7 Basically what I've done is drafted a letter
8 which I will follow that format.

9 First, we'd like to appreciate the Chair and
10 especially Commissioner Dicus for having us here this year
11 and for Commissioner Dicus speaking to us at the opening
12 of the session. I thought her comments were very
13 thoughtful, and I would suggest for those who have not
14 picked up a copy of her comments to do so. They're
15 sitting on the table outside, and read them over.

16 Our number one issue for this session was
17 funding for training. We're concerned with the argument
18 that the NRC licensees are supporting the Office of State
19 Programs and Agreement State licensees are not. This
20 argument does not consider the fact that there are fees
21 being paid to the NRC by Agreement State licensees for
22 reciprocity for work within NRC jurisdiction. The low
23 level waste surcharges are being paid to the NRC which do
24 not support the activities of the Agreement State low
25 level waste disposal support. There are fees being paid

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1 by device distributors, nor does this consider the fees
2 paid by nuclear power plants that operate within Agreement
3 States. To the end we would ask that the NRC furnish us
4 with the figure for the most recent available year of the
5 fees paid to the NRC by licensees located in Agreement
6 States.

7 Going on, the Organization of Agreement States
8 considers the NRC strategic assessment process to be very
9 important. Consequently, we have assigned specific states
10 to be the lead in assembling comments on various of the
11 issued papers. The OAS plans to make its views known on
12 all of the applicable issue papers, both in writing and at
13 the public meetings. Likewise we plan over the coming
14 year to comment on proposed NRC rules and policies.

15 Specifically a motion was passed unanimously
16 opposing the proposed rule on unauthorized use of licensed
17 radioactive materials, and we'll make a copy of that
18 motion available to the Commission.

19 To coordinate better the activities of the
20 Joint NRC/Agreement State Task Groups, we propose to
21 invite a representative of the task force to participate
22 in the month NRC/OAS teleconference to report on the
23 status of the activities of the task force.

24 With respect to the IMPEP, the OAS appreciates
25 the opportunity to participate on IMPEP teams. This has

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1 been valuable to both the NRC and the Agreement States.
2 We plan to replace the one review team member who is no
3 longer with an Agreement State and all four state members
4 on the Management Review Board.

5 We'd also like to express our appreciation for
6 the excellent efforts of the Joint NRC, Agreement State
7 Working Groups. These have provided an effective
8 mechanism for the NRC and Agreement States to exchange
9 views on issues such as compatibility and devices.

10 With respect to the officers of the
11 Organization of Agreement States, Roland Fletcher was
12 elected President, our Chair Elect, excuse me, and Richard
13 Ratliff was continued as Past Chair.

14 There was an exchange of information on
15 various issues related to nuclear medicine, state
16 inspection of NRC licensees, import/export of low level
17 wastes, and 11(e) 2 material.

18 One question rose during these discussions as
19 to the future commitment of NRC to fund the travel of the
20 OAS Executive Board. We would like clarification of this
21 for planning purposes.

22 You were present this morning for the
23 discussion of the motion on compatibility. We'll provide
24 you a copy of that motion.

25

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(8:30 a.m.)

1
2 In addition, we passed three resolutions which
3 we will provide you. The first two honored previous
4 chairs of the OAS, Wayne Kerr and Terry Strong. The third
5 resolution addressed the issue of training.

6 Again, let me express our appreciation for the
7 opportunity to meet with you and discuss issues of mutual
8 interest and concern. Thank you.

9 MR. BANGART: Bob, thank you for summarizing
10 the results of the OAS meeting this morning. We do
11 welcome the receipt of your comments and positions on
12 policy matters that are under development and on the
13 specific recommendations I think without exception, we're
14 going to be able to address all of those or perhaps nearly
15 all of those.

16 Clearly, I don't think it will be a difficult
17 task to determine how much licensees and Agreement States
18 pay to the NRC in fees.

19 We certainly think it's a good idea to have
20 more involvement on the monthly conference calls about the
21 progress of task forces. We have been doing that somewhat
22 during the calls that have been held, but more needs to be
23 done on that area.

24 The travel expenses funded by NRC for
25 Executive Board members, that does need further

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1 clarification. I will tell you that at this point in time
2 that the general rule is that we can pay for any Agreement
3 State person's travel if indeed that travel is for the
4 benefit of the NRC, and that question is answered clearly
5 in the affirmative if it's a working group member for
6 example. We pay, and we'll continue to pay travel for
7 working group members. We haven't specifically addressed
8 the subject of Agreement State, OAS Executive Board
9 travel, but for some travel like presentations to the
10 Commission, the Commission's briefing, I don't think
11 there's any doubt about that. Other forms of travel or
12 travel for other purposes, there may be some clarification
13 where we need to establish some better guidelines, but
14 right now we're entering the period of time where the new
15 policy goes into effect until it's modified, if it's
16 modified.

17 This is a very sensitive issue and most of the
18 situations where there's a question about whether we can
19 or cannot pay for travel, we have to deal with on an ad
20 hoc basis and the staff is providing its recommendation or
21 position and the matters or the answer to the question is
22 at least going to the EDO for review and in some cases
23 there may be at least informal communication with the
24 Commission to receive feedback as to whether funding such
25 travel would meet the intent of the current policy or not.

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1 So bear with us and we'll clarify as we move forward.

2 Most of the other issues that you mentioned,
3 Bob, I think I've addressed at least in part in my
4 prepared remarks. So I'll start those at this time.

5 A number of the new Agreement State Program
6 initiatives discussed during this meeting were in many
7 respects developed jointly by NRC and Agreement States,
8 and I hope that most of us agree that they are
9 modifications to our collective efforts that regulate
10 atomic energy and materials that are indeed going to be
11 more effective. These initiatives include IMPEP reviews,
12 early and substantive input by Agreement States on NRC
13 rulemaking plans, use of operational committees or joint
14 working groups, use of Agreement State resource persons
15 such as on business process for engineering of the NRC
16 licensing program, conference calls between the OAS
17 Executive Committee and the NRC on a regularly scheduled
18 monthly basis, and the development of a nuclear materials
19 events database.

20 With a lot of hard work and often much debate,
21 we've accomplished a lot over the last couple of years.
22 Although we haven't called the Agreement State Program
23 modifications a re-engineering effort per se, the number
24 and the magnitude of the modifications do indeed I think
25 rival a true re-engineering of the program.

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1 Nevertheless, more work will be needed to
2 complete program modifications, to address other issues
3 that need resolution, and to continue to increase the
4 effectiveness and efficiency of our programs in this
5 relatively rapidly changing times.

6 So with that as a general introduction, I'd
7 like to discuss the program trends and accomplishments
8 that I think we could expect to achieve during the
9 upcoming year.

10 I'll take a more pragmatic approach and
11 attempt only to forecast one year at a time as opposed to
12 the very interesting and visionary 5 to 10 year projection
13 that Carl gave us yesterday, and I happen to agree with
14 the points that he made. We have discussed them between
15 ourselves.

16 One last comment about strategic assessment.
17 NRC's strategic assessment or rebaselining effort together
18 with your input as IMPEP stakeholders should establish
19 final policy during the next year on such important issue
20 as the one we've been discussing, funding of Agreement
21 State training, travel and technical assistance, and
22 whether NRC should encourage, and if so, how we should
23 encourage more states to become Agreement States. Other
24 strategic assessment issues like NRC regulation of medical
25 uses of radioactive materials could result in policy

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1 changes that will also impact Agreement State regulatory
2 programs.

3 Just as Commissioner Dicus recommended, I too
4 encourage you to follow the decision making process very
5 closely because your input will be extremely valuable to
6 the NRC and the development of these strategies.

7 One of the activities that I hope we will not
8 be involved in this coming year is processing of
9 agreements returned to NRC. I'm optimistic that any new
10 policy constraints that are under consideration now can be
11 addressed successfully based on the changes to the program
12 that we've already addressed successfully and come out
13 with an even stronger program.

14 Moving to another subject, we are currently
15 working close with Bob Hallisey and his staff and full
16 expect that within the next few months, Massachusetts will
17 become the 30th Agreement State. This will reduce the
18 number of NRC materials licensees by about 450. At that
19 time there will be close to 16,000 Agreement State
20 licensees and only about 6,000 NRC materials licensees.

21 During the coming year, we will continue to
22 provide support to Ohio, Pennsylvania and Oklahoma as they
23 develop their programs to regulate Atomic Energy Act
24 materials. When they become Agreement States in a few
25 years, another approximately 1600 licenses will shift to

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1 the Agreement State side of the ledger.

2 I also expect that we will establish a final
3 position on whether the question raised by Oklahoma that
4 poses the question of whether SDMP sites can be considered
5 as a separate class of licenses and thus regulated at the
6 option of an Agreement State.

7 I continue to urge existing Agreement States
8 to provide active support to the states that are seeking
9 agreements to the extent that you're able to do so. An
10 experienced Agreement State with a successful program can
11 undoubtedly provide valuable guidance to states that are
12 developing new programs.

13 In another subject area, we expect that during
14 the upcoming year, the implementing procedures for the
15 Agreement State principles policy statement and the
16 advocacy and compatibility policy statement will be final.
17 These include the implementing procedures for the new
18 compatibility policy that we discussed yesterday, the
19 procedures for placing an Agreement State on probation if
20 significant problems in the program persist and the
21 procedure for phased implementation of new agreements
22 which we currently plan to use for all new agreements
23 after Massachusetts. This latter procedure contains a
24 model or standard agreement for future use. Once this
25 phased implementation and model agreement procedure is

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1 final, we will review with you whether there is a need to
2 update existing agreements. That's a question that was
3 raised by a number of Agreement State when we were in the
4 early throes of developing the program modifications after
5 the 1993 GAO report and the Congressman Synar hearing.

6 We will also continue to revise and update our
7 internal procedures so that we will use a more systematic
8 approach that will help us in achieving higher standards,
9 timeliness, quality and documentation for the work
10 products from our office. One such internal procedure
11 addresses the process we will use to determine whether
12 Agreement State regulations satisfy, and again the careful
13 wording, the compatibility component criteria of the new
14 compatibility policy. We will likely propose for your
15 evaluation that each Agreement State document for NRC its
16 own compatibility determination when submitting a draft or
17 final regulation to us for review. I don't see any reason
18 why we should not use the Agreement State's own knowledge
19 of regulations in promulgating them in terms of their
20 compatibility with the NRC regulation. Resources we
21 expend to review Agreement State regulations may be
22 significantly reduced if our evaluation becomes primarily
23 a confirmation of your determination.

24 In the event area, the emphasis on response to
25 events, reporting of events and event follow-up and

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1 analysis for lessons learned while undoubtedly continue at
2 a high level next year, for example, the joint Agreement
3 State and NRC working group formed to identify regulatory
4 lessons learned from events involving stolen radioactive
5 sources and devices will complete its work this upcoming
6 year.

7 I also expect that NRC will be offering more
8 guidance and possibly more training opportunities on event
9 response, augmented inspection and incident investigation.
10 For example, for the first time that I'm aware of, two
11 Agreement State personnel will attend NRC's Incident
12 Investigation Training Course starting the last week of
13 this month.

14 The Internet should be operational using the
15 more user friendly Windows environment, and if the new
16 compatibility implementing procedure is not significantly
17 revised from its current draft form, reporting of events
18 to NRC by Agreement States will likely be required as a
19 matter of compatibility.

20 NRC will continue to request that Agreement
21 States brief NRC on significant events or incidents by
22 participating in the conference call that's held monthly
23 for Carl Paperiello to brief him on operational events.
24 California, Alabama and Maryland have already participated
25 in those conference calls.

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1 As Jim Meyers indicated by this time next
2 year, we should be communication primarily by electroni
3 means, and hopefully there aren't too many bugs in the
4 system. That will be a more efficient way of doing
5 business and save us all resources.

6 We currently have two servers in operation and
7 very soon will have access to OSP information through
8 NRC's home page as was described.

9 When we polled each of you I think last year
10 about your Internet access, nearly everyone predicted
11 access would be available at least by the end of this
12 year. So if that happens and we complete the information
13 database that will be contained in the OSP home page,
14 we'll be in business and we'll be able to abandon hard
15 copy transmission of most documents except for those that
16 are very lengthy.

17 In the NRC regions and as I have indicated
18 before, over the long term we continue to look for the NRC
19 regional office state programs function to evolve to a
20 point where there is less of a distinction between the
21 Agreement State officer's responsibilities and those
22 responsibilities of the state liaison officer.

23 To promote efficiency, we've already made that
24 kind of staff merging here in headquarters, and Region IV
25 has successfully taken a step in that direction by having

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1 Charles Hackney serve as the liaison and interface point
2 for all state activities in that region.

3 We will also be deciding in concert with your
4 input the type and number of meetings that we should have
5 with each agreement state during the intervening years
6 between IMPEP reviews in order to maintain current program
7 knowledge and to conduct planning for the next IMPEP
8 review. This issue and a staff recommendation will be
9 addressed at a Commission briefing in November which will
10 summarize the results of the IMPEP up to this point in
11 time. Each NRC region will probably have the lead for
12 conducting these between IMPEP review meetings.

13 We also expect to establish a project manager
14 headquarters for each Agreement State. The project
15 manager would serve as a headquarters primary point of
16 contact for each state analogous to the way Agreement
17 State officers carry out that role in regional offices.
18 The headquarters project managers would be responsible for
19 being our most knowledgeable person about Agreement State
20 programs assigned to each of them, and they could aid the
21 region by helping to serve as a backup when the regional
22 Agreement States officers are out of the office.

23 On the subject of training, I particularly
24 look forward to the recommendations from the joint working
25 group on training that I believe will be of very

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1 significant value. I agree with Kathy Allen that whether
2 or not NRC continues to fund Agreement State training and
3 travel, the development of a more fully coordinated set of
4 training requirements will assure both Agreement State and
5 NRC staff are similarly qualified and will strengthen the
6 consistency of our programs in this important area.

7 As we've heard, issues that will be assessed
8 on a fresh look basis are necessary core training, non-
9 core supplemental training, refresher training, experience
10 and college education equivalency, testing, training
11 documentation through qualifications, journals, need for
12 qualifications boards, alternatives to NRC training
13 courses and very importantly, incorporation of current
14 information technology in the training programs along the
15 lines that Carl Paperiello described yesterday in order to
16 reduce costs.

17 Finally, I clearly see continued involvement
18 by Agreement States in joint activities and program and
19 policy development. This trend as we know is being driven
20 by a number of factors including reinvention of
21 government, downsizing and budget cutting, a need for
22 consensus building and buy in by stakeholders, and
23 importantly, the need to benefit from both NRC and
24 Agreement State regulatory experience.

25 I think that at any point in time at least in

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1 the near future it's likely we may find that there are
2 going to be two or three joint NRC/Agreement State working
3 groups that will be active at any point in time. Not only
4 does this approach make available a larger pool of
5 resources to complete unit activities, but it also
6 improves the quality of the work products. I'm convinced
7 for example that the quality of the draft implementing
8 procedure for the new compatibility policy was measurably
9 enhanced by having the broader technical and policy
10 perspectives that came from Bob Kulikowski, Aubrey Godwin
11 and Roland Fletcher. I'm similarly convinced that the
12 joint working group on devices benefitted from the efforts
13 of Bob Free, Martha Diblee, Robin Hayden and Rita Aldrich.

14 Next year does indeed promise to be an
15 eventful and much of the work will be challenging as the
16 Agreement State Program continues to evolve and I believe
17 strengthen. The goal of striving for consensus among all
18 of us whenever possible will continue to be an important
19 part of our efforts. We look forward to working with each
20 of you to make our individual and collective program
21 efforts the best that they can be during the next year.

22 In closing, I want to give special recognition
23 and thanks to the Executive Committee of the OAS, Bob
24 Quillin who is current Chair, Richard Ratliff who is Past-
25 Chair, and continuing Past-Chair, Tom Hill as Secretary

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1 and before he changed positions, Terry Strong as Chair
2 during much of the year. I congratulate you, Roland, in
3 your election as Chair-Elect, and we look forward to
4 working with you in that new capacity.

5 That concludes my prepared remarks, but before
6 I respond to any questions or comments, I think we should
7 all thank Lloyd Bolling for his efforts to successfully
8 plan the meeting and also thank especially Brenda Usilton
9 and Rosetto Virgilio and other NRC OSP support staff for
10 their efforts during the meeting as well. It's been a job
11 well done by all of them.

12 Comments or questions.

13 FACILITATOR CAMERON: Steve. Steve Collins.

14 MR. COLLINS: Steve Collins from Illinois.

15 With regard to your statement that if the implementing
16 procedures and policy statement aren't significantly
17 revised, the NMED stuff might become a matter of
18 compatibility, we think that there may eventually be
19 something useful to the Agreement States come out of that.
20 We haven't seen it yet at least, you know, any feedback to
21 us for that, but in general, we agree that it's useful to
22 NRC and we're agreeing that with NRC's national
23 perspective that they are in the best position to identify
24 generic type problems, although it has been our experience
25 that generic problems have been identified by the field

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1 staff and known to be such long before the office that
2 handles the AEOD data had finally determined or agreed
3 that it was.

4 The actual way that the data is reported we
5 feel certainly should not become a matter of
6 compatibility. The last time Illinois submitted its data,
7 we dropped back to submitting the data to you using our
8 own database system which takes only one computer screen
9 and we maintain it for all materials incidents, and we
10 send you our data that has everything on it. Your NMED
11 system has four or five different screens, far too much
12 detail, takes too much time and if you make it a matter of
13 compatibility that we report to you on your system, we
14 will bill you for it because our system meets all of our
15 needs and provides the information you really need to make
16 determinations on generic problems.

17 MR. BANGART: There's no need to set up a
18 billing system.

19 MR. COLLINS: It's already set up.

20 MR. BANGART: The computerized NMED system is
21 one way of reporting information about events, and it may
22 be a beneficial, viable approach for some, but not for
23 others. We can receive event information through that
24 vehicle of NMED. We can receive hard copy reports. We
25 can receive information from systems that you have in

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1 place that are more satisfactory for you to handle the
 2 information. As long as we can agree on the types of
 3 information that should be reported, then I think that
 4 we'll be comfortable with that. So the method by which
 5 information is reported will not be a matter of
 6 compatibility. The database that's established by NMED
 7 when it's up and fully functioning in a more user friendly
 8 manner is expected to be available for use and relatively
 9 easy use by anybody that has access to the database. So
 10 if you have a need to look for events or similar events
 11 that may have occurred anywhere in the country in prior
 12 years, you have access to that database to be able to use
 13 if you want to do some special analysis of trends, generic
 14 types of issues, it's available for use, and I hope will
 15 be easy to use by anybody for those purposes.

16 FACILITATOR CAMERON: Bob Quillin.

17 MR. QUILLIN: I would just like to reinforce
 18 the comment Dick made which is that the states that are in
 19 the process of becoming Agreement States should feel free
 20 to request assistance from Agreement States in developing
 21 their program. There's a lot of experience in the
 22 existing Agreement States that I think could be of use and
 23 could help those states that are in the process get over
 24 humps and obstacles as they see it. So I would like to
 25 reinforce that suggestion. I think it's a very good one.

1 FACILITATOR CAMERON: Okay. Thanks, Bob.

2 Let's go to Roland and then over to Ray. Roland.

3 MR. FLETCHER: As we've discussed quite a bit
4 -- are going to continue to do all that we can to
5 restore the training for that long and departed program.
6 I know in working with budgets in my own state, often
7 times budgets are a series of choices and I'm wondering if
8 it's possible for us to get copies of -- for the last
9 couple of years -- for coming years so we know the kinds
10 of things we're up against --

11 MR. BANGART: You can do that, but for that to
12 be meaningful you need to get more budget information than
13 just from our office. The Agreement State Program costs
14 in its entirety as viewed by our Office of the Contrcller
15 includes a proportional share of rulemaking, guidance
16 development. It includes some fraction of Technical
17 Training Center costs. So we can get you the budget
18 figures by year. You also need to read that together with
19 the paper that was written that established the new policy
20 because it explains the breakout on what the Agreement
21 State Program covers in the various parts of the NRC
22 budget. So we'll get you all of that.

23 FACILITATOR CAMERON: Shall we put that as an
24 action item?

25 MR. BANGART: You did receive the fee policy

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1 paper a couple of years ago when that was first sent out
2 or the proposal to first do these activities of travel and
3 training on a reimbursable basis.

4 FACILITATOR CAMERON: Okay. We will before we
5 leave today go through all these actions items so you know
6 what's up here. Ray.

7 MR. PARIS: Dick, you mentioned in your report
8 there that we're looking at combining the roles of the
9 liaison officers and the program directors. Is that what
10 I heard you say?

11 MR. BANGART: Not exactly that.

12 MR. PARIS: Okay. Would you explain that
13 please.

14 MR. BANGART: Okay. Historically there's been
15 a very clear dividing line between what the regional state
16 liaison officer and what the regional Agreement State
17 officer did, and that dividing line was so sharp that in
18 some cases, and even in headquarters, there was no
19 fungibility. If the Agreement State officer wasn't there
20 or if a staff person on the Agreement State side of the
21 house in our office wasn't in the office, there wasn't
22 even a day-to-day operating knowledge about that by those
23 in the NRC that were responsible for liaison activities
24 for example. And given more demands that are placed on
25 you and us, when I took over this office and because of

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1 lower numbers of staff released in terms of management
2 overhead, we created one office, and we are just the
3 Office of State Programs. You know, we don't have a side
4 now that's the Agreement State and the other side that's
5 liaison function. We have some people that have lead
6 responsibility in one or the other, and there just happens
7 to be a lot more folks that have lead responsibility in
8 the Agreement State Program area just because that needs
9 more resources, but we use people that are lead on liaison
10 issues to work on non-health physics related program
11 policy issues for example. Spiros Droggitis is our lead
12 on state liaison, but he's working actively with Aubrey
13 Godwin on inspections at federal facilities in the State
14 of Arizona.

15 So it's that kind of fungibility that we're
16 looking towards for efficiency reasons, and it's more as
17 attrition occurs in the regional office. What we'll be
18 looking to have is a state program staff in a regional
19 office, and when a person that has lead for liaison is
20 out, the person that has lead for Agreement State
21 responsibility would be able to easily handle those
22 activities related to liaison in the absence of that
23 person and vice versa.

24 So I think what it means in a practical sense
25 is that when a state liaison officer in a region is

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1 vacated for whatever reason, the person that we would look
2 to to fill that liaison position even though they'll have
3 lead for non-health physics related matters for the most
4 part, we would want them to have some materials program
5 kind of experience and background so that they can meet
6 this more fungible kind of objective in terms of
7 completing the program. That's the practical reality of
8 what I said.

9 MR. PARIS: Are you looking at the same
10 relationship then with state liaison officers and state
11 program managers versus those roles --

12 MR. BANGART: That's the decision of each
13 state. We do have a state liaison meeting coming up in
14 early October. We have sent out to each of the state
15 liaison officers a survey about what they like about the
16 current program, what they don't like about the current
17 program, and we'll be going over that at that meeting, and
18 it was an intent that now that we've gone through at least
19 what we thought was most of the major program
20 modifications in the Agreement State Program, now was the
21 time to look at the way we conduct the State Liaison
22 Officer Program to see whether or not there were changes
23 that we should address in order to be more responsive and
24 meet the objectives of the program. But it looks like at
25 this early phase that there is not going to be a need

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1 identified to have major changes incorporated in the
2 program for liaison.

3 MR. PARIS: Do you still anticipate funding
4 state liaison officers?

5 MR. BANGART: Yes, sir. As of this point in
6 time, there's a clear distinction in the budgeting
7 people's mind between the major objective of the liaison
8 program primarily supporting nuclear power plant
9 regulation, and therefore it's equitable in that case for
10 nuclear power plant licensees to pay for state liaison
11 officers.

12 MR. PARIS: What about states that don't have
13 nuclear power plants? Why should they have liaison
14 officers?

15 MR. BANGART: I didn't say this was a perfect
16 logic.

17 MR. PARIS: Well, I guess I have some concern
18 about that whole program. There's going to be a meeting
19 in October, and you all are going to pay for that, for the
20 people to attend.

21 MR. BANGART: Yes.

22 MR. PARIS: But every time something happens,
23 the liaison officer gets in touch with the Radiation
24 Control Program at least in California. We end up doing
25 90 percent of their work because they don't know anything

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1 about it. They don't have an idea of what their job is,
2 and that's not unique to California. When I was in Texas,
3 I remember being asked one time to go to a liaison meeting
4 because the liaison officer didn't have the foggiest
5 notion. He was a geologist. That program is ill defined
6 in my opinion. There was not guidance put out for what it
7 was. It came about when we were looking for one stop
8 shopping for reactors, and it's gone downhill ever since.
9 I mean it's a boondoggle. It's killing trees and
10 everything else.

11 MR. BANGART: This purpose of this meeting is
12 to provide an opportunity to get recommendations,
13 suggestions about how it should be modified if there is
14 any consensus at all, and we want to be responsive to the
15 needs of all 50 states as far as liaison programs go, but
16 the primary objective is not to deal with response kind of
17 issues. This is to inform and again it's the
18 representative of the governor to get into the system of
19 state government knowledge about a wide variety of things,
20 important programmatic changes as well as events. There's
21 supposed to be a distinction. I will acknowledge that in
22 practical matters in some cases that's one in the same
23 person or it ends up going to you as a program director
24 depending on the subject area, but there ought to be a lot
25 of things that go into state government as far as

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1 communication of information through the liaison program
2 that you don't see or don't have a primary interest in at
3 least.

4 FACILITATOR CAMERON: We have Aaron, Aubrey
5 and Roland with their cards up and also Diane. Instead of
6 going in chronological here, why don't we find out who has
7 something to say about the state liaison issues so we can
8 close that out.

9 Aaron, do you have a point on state liaison
10 or --

11 MR. PADGETT: My card was up for other
12 reasons, but I would just make the statement that, you
13 know, not everyone supports the comments that were just
14 made.

15 SPEAKER: By whom

16 GOVERNOR GODWIN: It goes without saying.

17 MR. PADGETT: The criticism of the liaison
18 officers.

19 FACILITATOR CAMERON: Okay. We'll be back to
20 you. Aubrey, did you have state liaison or --

21 GOVERNOR GODWIN: Well, it was talking about
22 the project that I was going to talk about in just a
23 second.

24 FACILITATOR CAMERON: Okay. Roland, I think
25 you wanted to talk about the liaison.

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1 MR. FLETCHER: Yeah, I just wanted to echo in
2 part what Ed said. I don't know how many -- occur, but I
3 think some of the items that that you brought up on the
4 subject of the state liaison, you asked who actually
5 filled out that questionnaire. You probably have a lot of
6 people -- did and whether or not they're going to be at
7 the state liaison office --

8 FACILITATOR CAMERON: Okay. Thank you,
9 Roland. Diane.

10 MS. TEFFT: (Inaudible audience comment from
11 unmiked position).

12 FACILITATOR CAMERON: The point that becomes
13 obvious to me from what you're saying is that the October
14 meeting is to get input from the state liaison officers on
15 the viability of the program although the people who are
16 the directors obviously have a lot to say about that also,
17 and I guess it's sort of a delicate political dilemma in
18 terms of what you say about the state liaison officer
19 because often they are the governors' representatives.
20 Are there any suggestions or any thoughts from state
21 programs or from the Agreement States on how to get
22 program directors feedback into this issue of the State
23 Liaison Program?

24 Spiros, do you want to start off?

25 MR. DROGGITIS: I just want to say that a

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1 number of radiation control program directors are state
2 liaison officers. There are three right here. Well,
3 ID&S, your department is the state liaison officer. Bob
4 Quillin is. So I'd like to hear what they have to say.

5 FACILITATOR CAMERON: Bob.

6 MR. QUILLIN: Well, actually I've had
7 experiences both from my days in Ohio and here because in
8 Ohio I was not the state liaison officer. In Ohio at that
9 time the Emergency Management Agency was the state liaison
10 office.

11 SPEAKER: It still is.

12 MR. QUILLIN: Yes. And now I am for Colorado,
13 and in honesty I never really saw the purpose of the state
14 liaison officer. I mean it's one free trip to Washington
15 every three years, and I never really quite saw the
16 purpose and in going to the last state liaison officers
17 meeting, there was such a diversity of attendance there,
18 and there was just no real focus of interest.

19 MR. BAILEY: We've never dictated to the
20 governor who they should appoint. We sort of give some
21 general guidance that this person should be a single point
22 of contact. So, you know, I don't know what to say about
23 that.

24 MR. BANGART: We'll make sure that there is a
25 process that is put into place where decision making about

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1 the need for revisions to the program is received, the
2 input from a variety of stakeholders, more than just the
3 designated state liaison officers themselves, but that
4 will be a starting point.

5 FACILITATOR CAMERON: Okay. And Stuart, do
6 you have something on that?

7 MR. LEVIN: Stuart Levin, Pennsylvania. Just
8 to remind everybody, you have non-Agreement State state
9 liaison officers, we want to get their input too.

10 SPEAKER: There's one here.

11 MR. BANGART: Bill Dornsife is too.

12 FACILITATOR CAMERON: Yes.

13 SPEAKER: Two here.

14 FACILITATOR CAMERON: Okay. Good point.

15 Steve.

16 MR. COLLINS: In the way of suggestions, since
17 you're trying to save money and all that sort of thing,
18 and the NRC has found it efficient and effective to
19 combine or start the process of combining those things
20 into one warm body to take care of those.

21 MR. BANGART: No, it's not necessarily one
22 warm body.

23 MR. COLLINS: Okay.

24 MR. BANGART: It's a regional staff.

25 MR. COLLINS: It's one regional staff, I see.

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1 MR. BANGART: It is a state program staff.

2 MR. COLLINS: In order to conserve resources
3 and things, maybe you could suggest that SLO meeting the
4 fact that NRC can in fact fund travel to one of these
5 meetings each year and you guys should work it out in your
6 state as to whether or not that would be the Agreement
7 States meeting with a little bit of LSO type thing added
8 to it or it'll be the SLO meeting with a lot of the
9 Agreement States staff added to it.

10 FACILITATOR CAMERON: Is there general support
11 for this type of idea? I'm just thinking, should we put
12 it up on the board as an action item

13 GOVERNOR GODWIN: I think it's too diverse and
14 really --

15 MR. COLLINS: The SLO meeting is every three
16 years. So it's not annual.

17 MR. HILL: That wasn't my suggestion to make
18 it once every three years.

19 MR. COLLINS: Just fund travel one time, at
20 least one meeting a year for whatever purpose as I
21 understood it.

22 MR. HILL: And cover all those purposes.

23 MR. COLLINS: Right. Right. And naturally
24 some of us would think that in some states the SLO doesn't
25 have the knowledge to take care of most of the Agreement

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1 State items if it's different people and different
2 agencies.

3 FACILITATOR CAMERON: Okay. Ed.

4 MR. BAILEY: I think there's the same equity
5 issue that allegedly exist with Agreement States. Why are
6 reactor states paying for non-reactor state liaison
7 officers to come to these meetings? Why are they paying
8 for non-reactor state liaison officers to get tons of
9 material each year?

10 MR. BANGART: But we collect fees from the
11 material licensees in the non-reactor states.

12 MR. BAILEY: Oh, you do. But they don't have
13 reactors and see that's the same story we're getting that
14 you also collect license fees from licensees in Agreement
15 States and reactors in Agreement States. So why shouldn't
16 we get paid? I just don't understand why these people
17 that are not regulatory partners, that are just field
18 people basically, get paid to go to their meetings and the
19 Agreement State people won't because somebody's raised
20 some equity issue that you don't have any licensees in our
21 states.

22 MR. BANGART: The logic isn't perfect, but
23 it's primarily a reactor program directed activity and,
24 you know, I hate to have this Agreement State meeting turn
25 into a debate about the State Liaison Program.

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1 MR. BAILEY: Where else can we debate it?

2 MR. BANGART: At the State Liaison meeting.

3 MR. BAIL' . We don't get to go.

4 MR. BANGART: I would ask you, in each of your
5 respective states, to develop a state position that would
6 be brought to the Liaison's Officer's meeting, and then I
7 have committed that we will get input from any and all
8 interested parties.

9 FACILITATOR CAMERON: We do have an action
10 item by the way up there to provide a mechanism for
11 Agreement State Program directors to --

12 MR. BANGART: We will ask though at some point
13 in time as we go through this deliberation for a state
14 position and it will not help us one bit to have one
15 agency in the state say this is my view about a program
16 and another agency give us a different view. So which one
17 does the NRC view as the state position? We would look
18 for activities in terms of the state to resolve these
19 differences before they got to us.

20 FACILITATOR CAMERON: Let's go to Bill
21 Dornsife and then to Roland and conclude the liaison
22 discussion.

23 MR. BATAVIA: Yeah, I'd like to make a comment
24 on the state liaison officer being about as slow in the
25 hierarchy as you can get in terms of the discussion we're

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1 having, a non-Agreement State and a Radiation Control
2 Program director who is an SLO. I think what you need to
3 understand, and I've attended now maybe four or five SLO
4 meetings, I think it does serve a purpose because what's
5 discussed there are policy type issues and the state sends
6 a policy type person, and I agree with you, Ed, it's very
7 useful and a lot of it's directed toward emergency
8 response and reactor related kinds of things, but most of
9 the discussion there is of a policy nature, and I think
10 it's important for those states for whatever reason don't
11 have the Radiation Control Program director as the state
12 liaison officer to get that sense and understanding of
13 what the policy issues are and maybe NRC, I don't know.
14 You know, in our state we made a very, very big effort to
15 make sure that the letter appointing the state liaison
16 officer got to the right level, you know, and maybe
17 there's some way that NRC could work or maybe even
18 rephrase the letter to indicate that there are people that
19 already have that kind of expertise, and you may want to
20 consider when you appoint the state liaison officer who is
21 the most appropriate person to appoint.

22 FACILITATOR CAMERON: Any comment from NRC on
23 that particular suggestion?

24 MR. BANGART: We're at the beginning point of
25 looking at internal program guidance that we have

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1 established for the kind of activities that we carry out
2 under the Liaison Program, and your suggestion about
3 perhaps modifying letters to including a description of
4 expertise that we're already aware of and folks that we
5 already communicate within a state is a good one that
6 we'll consider as we revise our own guidance for the
7 program. If we develop that revised guidance and much of
8 it has been in place for what, 10 years or so without
9 revision, 10 years, about 10 years without revision, it's
10 in need of updating, and pretty much we're writing
11 letters, conducting business with little change from the
12 way it was done 8 or 9 or 10 years ago, and it's time to
13 take a fresh look at some of it.

14 FACILITATOR CAMERON: Kathy.

15 MS. ALLEN: (Inaudible audience comment from
16 unmiked position).

17 MR. BANGART: One question. Could that be
18 done in a generic sense or is that so highly state
19 dependent that it wouldn't be useful to try to do it
20 generically?

21 MS. ALLEN: (Inaudible audience comment from
22 unmiked position).

23 MR. BANGART: Well, we'll consider it. We'll
24 talk further to get a better understanding of what you
25 would like to have covered.

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1 FACILITATOR CAMERON: Okay. Any last comments
2 on state liaison officers? Roland.

3 MR. FLETCHER: Just one point and I don't know
4 how many others might be in this position, but often times
5 this discussion is kind of like a dual edged sword. The
6 relationship between the SLO and the Radiation Control
7 Program director should at least first of all exist, and
8 when we are in situations, I can only relate to my own
9 situation, where I've often asked for input and normally
10 the person who winds up being the SLO becomes my boss and
11 for me in a lot of ways that's good because I know I have
12 direct input, and I don't know how many other people are
13 in that kind of situation where you had to be careful on
14 how you describe or deal with the SLO position because you
15 like it where it is. You do have some contact. By the
16 same token, if you don't have control or if they aren't as
17 close to the governor as the original purpose of the SLO
18 position that they're for, it's kind of like, you know,
19 you're doing two jobs, and I don't know how many people
20 are free to discuss this position because of that
21 situation.

22 FACILITATOR CAMERON: Okay. Thanks, Roland.
23 That will be put into the thinking mill.

24 GOVERNOR GODWIN: One project note. You're
25 talking about having a project officer for the Agreement

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1 States or states in general, SLOs, whatever. I would
2 request that you do that for us folks out toward the west
3 in slightly different time zones. If these people work a
4 slightly shifted schedule, so that we could call in some
5 after 2:00 our time and be able to talk to somebody, that,
6 you know, would sort of be nice, and also we wouldn't have
7 to get up at 4:00 to call you in the morning and tell you
8 something happened late in the afternoon.

9 MR. BANGART: That's a factor that needs to be
10 factored in. We do have people that work until 6:00. We
11 do have people that come in as early as 6:45 with our
12 flexible work schedule. So that's something that I think
13 we can at least partially accommodate.

14 FACILITATOR CAMERON: Okay. Let's go to
15 Aaron and then let's jump into Paul's topic of the 1997
16 meeting.

17 MR. PADGETT: Okay. I have some general
18 feedback on your comments there. The Agreement States and
19 the NRC have a long history. That relationship right now
20 is somewhat strained and certainly changing primarily
21 being driven by the budget considerations, and that's not
22 only our relationship, it's all kinds of relationships
23 throughout the Government and industry too because budget
24 considerations are driving many, many things.

25 One, we can be a very powerful ally of the

1 NRC. One example of that recently is the appointment of
2 Greta Dicus to the Commission. There are folks in this
3 room who have a great deal of input into that. Just to
4 give you one little small example, a key subcommittee was
5 chaired by a North Carolina senator and we would like to
6 think that we had a little something to do with that
7 subcommittee chair moving that appointment along, just as
8 one small example. So we can be a powerful ally of the
9 Commission.

10 Now you're getting a lot of flack right now on
11 training costs. Training costs is one issue, and I think
12 it's more a lot of frustrations are focused on that issue.
13 I may be wrong, but I think a lot of frustrations are
14 focused on that issue, and it's probably blown bigger than
15 it really is, though it's an important issue.

16 There are a lot of other places there are
17 frustrations that I think you need to take a look at.
18 I'll give you an example. We've had two people
19 participate in working group meetings. They've both come
20 back with the same story. Their story was this. The NRC
21 management already knew what they wanted. They boxed the
22 working group in so that the product was going to be
23 basically what they wanted. They wanted my name on the
24 working group as an Agreement State person saying that we
25 bought into that position. Don't send me back to another

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1 working group. Now I don't know that everyone's
2 experience has been that way, but I can tell you what the
3 two people, you know, that we sent has been, or at least
4 what they fed back to us.

5 So I think, you know, there's a changing
6 relationship, and one that we're all going to need to work
7 on and work at if we're going to make these changes
8 successfully through this budget downsizing and changing
9 relationships. Just some food for thought. That's all.

10 FACILITATOR CAMERON: Dick, do you have any
11 thoughts on that one?

12 MR. BANGART: Well, let me just respond to the
13 point about frustrations and the method that we're using
14 in carrying out working group activities.

15 As at least I envision working groups, the
16 products that come out of those working groups should be
17 those of the working group. Now there may not be
18 consensus among the working group and we have one
19 situation where there isn't, and there's an opportunity
20 provided and an opportunity taken at least to provide a
21 dissenting view, and that's all well and good because then
22 when we develop a final position or implement whatever
23 recommendations are there, that can be factored in. As a
24 practical matter, the working group's product does come to
25 NRC for eventual proposal to the Commission on how to go

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1 forward or to Carl Paperiello or myself or Ed Jordan or
2 somebody to put them into effect.

3 So I know that I try to stay in touch with the
4 progress of the working group, and based on my management
5 perspective, if I see the working group heading down a
6 path that I have a reason to believe is highly likely to
7 not be well received within the agency by my boss or the
8 Commission, then I think it's valuable to the working
9 group to know that. Hopefully, that isn't perceived as
10 being boxed in. That doesn't mean that the working group
11 is expected to stop work on a project that is heading in
12 the direction I think will not be approved. That's their
13 right to do so, but there is valuable input I think that I
14 can provide along the way.

15 At the outset, I think there should be a clear
16 statement of objectives, and I think that management's
17 expectation about what the working group will achieve is
18 proper to feed into the working group's process.
19 Hopefully that again is not viewed as boxing the working
20 group in, having the answer laid out for the working group
21 to just provide the implementing details for. But I think
22 there are parts of the process where NRC management input
23 can helpfully guide the working group but if they disagree
24 with that, the working group is basically an independent
25 technical group to provide their best thoughts on how to

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1 deal with an issue, and the product can be one that
2 everybody knows will have little likelihood of being
3 adopted or there can be a variety of views expressed
4 through dissenting opinions or differing opinions if they
5 chose to do that.

6 FACILITATOR CAMERON: Okay. Thanks, Dick.
7 That was a really good discussion of a number of issues.
8 So I think it's worthwhile that we're a half hour late at
9 this point. I think we can make some time up with the
10 next subject and then we'll get back on track. Paul.

11 MR. LOHAUS: Thank you, Chip, and we will make
12 up some time here.

13 During one of our recent monthly conference
14 calls with the Executive Committee of OAS, we talked about
15 beginning and planning activities for the Spring Technical
16 Workshop and we thought as we concluded that this would be
17 a good topic to talk about at this meeting. I've asked
18 Bob Quillin as Chair of OAS to share in leading the
19 discussion on this issue. I've also asked Larry Camper
20 from NMSS to join us for this discussion.

21 I understand that the Committee did discuss
22 the Spring Technical Workshop last night and I wanted to
23 start and maybe ask Bob to maybe summarize for us the
24 results of that discussion.

25 MR. QUILLIN: Well, actually we discussed a

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1 broad range of issues related to meeting next year, and I
2 think where we are right now is that the Executive
3 Committee has proposed to have one meeting next year. It
4 would be in the September/October time frame. I'm asking
5 that hub states, mainly Georgia, Illinois, Colorado,
6 Texas, Utah, research the availability of a facility/
7 hotel, near a hub airport for a Friday/Saturday meeting in
8 that time frame. That's so that we could qualify for a
9 Saturday night stay over.

10 In other words, we would not have a technical
11 workshop. We would have one workshop next year. Part of
12 this, just based on my experience, we don't have money for
13 funding attendance of the state person during this state
14 fiscal year which runs from July 1st to June 30th, but
15 we've asked for money for next state fiscal year which
16 would start July 1st of next year. So we would be able to
17 fund attendance.

18 This would be a management meeting, and it the
19 agenda would be set by the Organization of Agreement
20 States. We'd have a least one full day of OAS activities,
21 and we would invite NRC to attend and present issues of
22 our interest and choosing, and obviously we would welcome
23 their suggestions in this process.

24 That's what I propose for next year. The
25 reason we're doing the hub city approach is I did a survey

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1 earlier and the clear consensus of the OAS states was that
2 if they were going to fund a meeting themselves, they
3 wanted it to occur at a hub city location rather than a
4 non-hub city location.

5 Is there any comments or discussion of that
6 approach for OAS meetings next year when we are under the
7 assumption obviously that we will be paid for it
8 ourselves?

9 FACILITATOR CAMERON: Rita.

10 MS. ALDRICH: Would it be possible to hold the
11 meeting shortly after the annual Health Physics Society
12 meeting? I was just thinking that it would, you know, we
13 have to get the most bang for our buck and those certainly
14 are the most valuable means of technical content, if this
15 could sort of be a day and a half tacked on at one end or
16 the other. Maybe it would enable more of us to get to the
17 HPS meeting wherever it's held.

18 MR. QUILLIN: That's a possibility, but I
19 don't know what the availability of rooms or spaces. It's
20 very difficult to find rooms in four cities which I
21 classify as San Antonio as in the summertime, a box of
22 rooms at good rates.

23 MS. ALDRICH: On a 4th of July weekend.

24 MR. QUILLIN: You know, for the future plan,
25 that's a possibility.

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1 FACILITATOR CAMERON: Any other comments on
2 the location?

3 MR. QUILLIN: Yes.

4 MS. TEFFT: I guess my comment is myself, I
5 don't like standing around a conference, and I'm also
6 confused as to who is to attend this meeting.

7 MR. QUILLIN: This is a managers meeting.
8 This is just us.

9 MS. TEFFT: (Inaudible audience comment from
10 unmiked position).

11 MR. QUILLIN: This is not a workshop. This is
12 not a technical workshop. This is this meeting, the
13 Program Directors meeting.

14 MS. TEFFT: Okay. (Inaudible audience comment
15 from unmiked position).

16 MR. QUILLIN: Not everybody goes to the
17 conference. I cannot go to a week's meeting at the
18 conference. We can send one person from our state to a
19 conference typically, and if I go, that means nobody else
20 goes.

21 FACILITATOR CAMERON: Larry.

22 MR. CAMPER: Thank you. Paul had asked me to
23 set in. We had discussed some possible topics for the
24 April meeting that was being planned. I think it was in
25 Denver. So I just learned this as I was sitting there

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1 five minutes ago. So I'm still kind of collecting myself
2 here, but just a couple of observations about the
3 technical workshops for what it's worth.

4 I was not privy to your executive discussions
5 last night and I'm sure you reached your decisions for
6 very sound reasons not the least of which, of course, is
7 the financial constraints that we all find ourselves
8 under, but a thought or two about your technical
9 workshops.

10 I have found them from my standpoint as a
11 program manager to be extremely valuable. Let me share
12 with you an example. During the recent workshop that took
13 place in Albuquerque, New Mexico, there was a great deal
14 of discussion about the 3420, the 10 C.F.R. Part 3420,
15 associated equipment issues. Since that time I took part
16 a few weeks ago in a workshop, the CRCPD workshop on the
17 mandatory certification, and we coupled that with a day
18 long workshop that the NRC sponsored that dealt with 3420
19 associated equipment issues. I found the dialogue with
20 representatives of industry to be extremely valuable as we
21 go through a process of trying to reassess what we should
22 do about the 3420 associated equipment issue.

23 I must tell you that many of the items that I
24 was in a position to talk about with industry came out of
25 dialogue and interfacing that occurred in the Albuquerque

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1 workshop. The states had extremely valuable insight into
2 the degree of safety significance associated with the 3420
3 associated equipment problems. I was able to discuss some
4 of those parameters at that meeting. I was able to gain a
5 lot of insight from industry, and we are now considering a
6 number of recommendations that we will pursue for possible
7 rulemaking to make adjustments to the 3420 associated
8 equipment issue.

9 Now what's my point? My point is that the
10 technical workshops have profound value I believe. I
11 think if you decide that, and you have one meeting, you
12 will be focusing primarily upon management issues, policy
13 issues, resource issues, things that trouble all of us as
14 managers.

15 One of the things that I have an increased
16 concern about as a health physicist and as a technical
17 program manager, we spend phenomenal amounts of our time
18 on those kinds of things, and I sometimes worry that we
19 don't spend enough time on some of the pure emission
20 oriented things, pure technical, technical regulatory
21 policy interfacing issues.

22 So I just share that with you from my
23 perspective as a program manager at NRC and the value that
24 I've seen from your technical workshops.

25 Now one of the topics, for example, that we

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1 wanted to talk with you about in the April workshop is, as
2 you know, the SA papers are now publicly available. If
3 one looks at the medical materials area in the
4 Commission's preliminary views in this area, one of the
5 things they've asked us to do is to bring to bear the
6 concept that has been talked about that the Chairman
7 refers to as risk informed performance oriented
8 regulation. We wanted to use the workshop in April to
9 discuss with the Agreement States the concept of what and
10 how we can apply that model to medical regulation, changes
11 in Part 35.

12 I've had extensive discussions with a number
13 of you over the years, and you've expressed your concerns
14 about the degree of risk for some medical uses and how we
15 regulate it. Well, it's a perfect timing opportunity to
16 discuss what is the risk in medical use and where should
17 we apply our resources and what program areas should we be
18 focusing our attention upon. So I would hate to see that
19 opportunity lost in all candor.

20 An alternative might be to tie on a technical
21 workshop onto your once annual meeting, an extra day
22 perhaps, but certainly from a timing standpoint, on that
23 particular issue, the risk informed performance
24 regulations as it relates to medical, the spring is a
25 perfect time to deal with that issue.

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1 We have provided a couple of other topics. We
2 had talked about mobile HDR brachial therapy, and we also
3 wanted to talk with you about the licensing business
4 process re-engineering initiative that we have underway.
5 That project is well along now. I think you've been to
6 the BPR Center. You've seen where we're going with it,
7 and we thought it would be an opportunity to share with
8 you the details from a working standpoint, with our
9 sleeves rolled up, as to how we got there and how you
10 might try to do some of the same kind of things.

11 So just observations from a program manager
12 that has some concerns about seeing technical workshops go
13 away.

14 FACILITATOR CAMERON: Let me just see if we
15 can clarify what the issues are here for my own benefit,
16 and maybe some other peoples, but I think that my idea of
17 making some time here is going to be wishful thinking, but
18 it seems like we started the topics as topics for the 1997
19 Spring Technical Meeting, and it seems like the issues
20 that we've talked at so far are whether we should have
21 a separate spring meeting or a technical meeting, whether
22 we should have a technical meeting at all, and if so, what
23 are the topics that are going to be on there, but also the
24 issue that Bob started off with which is where and when
25 should we hold the next All Agreement States Managers

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1 Meeting? Are those the issues we're talking about here?

2 MR. WHATLEY: I'd like to know what the issues
3 are. That's what I'm trying to understand.

4 MR. CAMPER: I think you've characterized it
5 very well, Chip. To me there are really I think two
6 aspects that Bob's raised. One is given the current
7 policy relative to travel, should we proceed with a Spring
8 Technical Workshop with the understanding that some states
9 may not be able to provide funding to cover the travel and
10 per diem for attendance at that workshop which may or may
11 not provide let's say a sufficient number of staff for
12 support for that workshop coupled with as I understand
13 some broader consideration looking at how we may want to
14 focus and handle our meeting in the October time frame.
15 What I understand, Bob, is that what you're suggesting is
16 a single meeting that would be in the October time frame
17 that will be held at a hub city to be focused on manager
18 attendance and would cover policy as well as maybe some
19 technical issues. So I think what I've sort of done in my
20 mind is sort of deferred the discussion on any of the
21 technical issues for discussion at the spring workshop
22 until we really resolve the issue of one, whether we're
23 going to hold a Spring Technical Workshop, and I think
24 what you've also raised is the broader issue of also how
25 we would handle the October meeting.

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1 So I think in terms of the comments that
2 Larry's offered, I think one additional thought, Bob noted
3 the success that we've had with the working groups and I
4 know we've had I think two efforts in the business process
5 re-engineering area where we've used a combination of
6 state and NRC staff to address particular technical
7 issues, and one thought to maybe address some additional
8 technical issues may be that we look at the working group
9 process as a way to help deal with and address
10 collectively some of the technical issues during this
11 time, and then focus more on the meeting and how, if we
12 were to look to a single meeting, how that single meeting
13 would be held, whether it would be in a hub city and the
14 time frame for that meeting.

15 Bob, any comments?

16 MR. QUILLIN: Larry, all of your topics are
17 timely and of interest, but the basic problem is that, you
18 know, our projections are that our attendance would not be
19 representative of the entire Agreement States. There are
20 quite a few states that are not going to be able to
21 attend, and I don't want to go through the trouble of
22 sponsoring a meeting in Denver and having us as the only
23 state there.

24 FACILITATOR CAMERON: Okay. Let's follow that
25 grid. Do we want, can we have, is it feasible, a separate

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1 spring technical meeting? Ed, do you have comments on
2 that? Go ahead.

3 MR. BAILEY: Well, I would certainly encourage
4 us to have a technical meeting. I as much as anyone am
5 impacted by no more funding. For example, our out-of-
6 state travel blanket was just approved last week, and in
7 order for anyone from California to come, they would have
8 to pay their own way and take vacation. Now, quite
9 frankly, I can't find anybody that's willing to do that.

10 I would want the meeting to remain in October.
11 The spring meeting I think we should have. We have a lot
12 of excellent topics that have been suggested here. I
13 think the Office of State Programs has been contacted by
14 Ron Catherine about putting on a transuranic whole body
15 assessment type course. We would offer, if you want to do
16 a mobile HDR, to host one in California because we already
17 have several operating. So you could actually see one of
18 the beasts rather than looking at pictures of it.

19 The idea of having these in hub cities, L.A.
20 is a hub city, you know, it just happens to be on the
21 wrong coast. It's as much a hub city as Atlanta. So I
22 wish, you know, we would still consider coming west of the
23 Rockies occasionally.

24 FACILITATOR CAMERON: Okay. Let me just
25 clarify something.

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1 MR. BAILEY: And we would be able to send
2 people in the spring to the Spring Technical Workshop no
3 matter where it is.

4 FACILITATOR CAMERON: Okay. That's what I was
5 unclear about what you were saying.

6 MR. BAILEY: Yeah.

7 FACILITATOR CAMERON: So you support a
8 separate spring workshop, and you would be able to send
9 people wherever that is.

10 MR. BAILEY: Right, at state expense, yeah.

11 FACILITATOR CAMERON: Okay.

12 MR. BAILEY: I mean preferably we wouldn't.
13 We can basically send as many people as you'll let us send
14 if you're going to pay for it, and it's training. A good
15 example of that is the number we've sent to FDA training,
16 to the two and three courses for NASA. I have 36 approved
17 trips for NRC in my out-of-state blanket for this next
18 year. None of them are funded, but we'll find some
19 funding for it.

20 MS. ROGERS: As an alternative, we have time
21 allocations either before or after the CRCPD meeting for
22 things like technical workshops, and the feedback we got
23 from the states, that they liked the idea of having the
24 workshops or training in conjunction with the CRCPD
25 meeting. Our technical planning meeting is scheduled for

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1 next month where we will be discussing how we're going to
2 set out next year's CRCPD meeting, and as an alternative
3 to having a separate technical workshop in the spring,
4 some of those specific topics that you might want to cover
5 could be done in workshop fashion in conjunction with the
6 CRCPD meeting.

7 FACILITATOR CAMERON: That will be in May
8 or --

9 MS. ROGERS: That will be in May, well, late
10 April, early May.

11 FACILITATOR CAMERON: During that time.

12 MS. ROGERS: Right.

13 FACILITATOR CAMERON: So this is relatively
14 the same time frame as the spring 1997 --

15 MR. HILL: That is SEA-TAC as well. That's a
16 hub --

17 MS. ROGERS: Right. That's SEA-TAC.

18 FACILITATOR CAMERON: Okay. Roland.

19 MR. FLETCHER: Yeah, just a couple of
20 questions. First, I don't recall specifically being asked
21 about a spring meeting. Now is that part of the survey or
22 are you just assuming that because funding would be
23 absent, that we won't have a spring meeting? That's the
24 first question.

25 MR. QUILLIN: We have to plan for next year.

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1 Assuming that there's not going to be support for our
2 travel and, you know, the feeling I was getting from
3 comments which were being made around the table in the
4 last several days was that very few people were going to
5 be able to attend this. I mean obviously the states that
6 have, you know, budgets for out-of-state travel could
7 attend but that many of the states were not going to
8 attend because of budgets or other considerations. So the
9 question is, you know, would the states be willing to pay
10 their own way to go to a technical workshop?

11 MR. FLETCHER: Yes.

12 MR. QUILLIN: Are they able to pay their own
13 way to go to a technical workshop in the spring?

14 MR. SCHELL: That's two different questions
15 that need to be asked separately and maybe get a show.
16 Some of us might have the ability, but a policy decision
17 may have been made that we won't.

18 MR. QUILLIN: We're still up in the air on
19 this technical workshop, where, when, how, what.

20 MR. SCHELL: My follow-on was that, and
21 perhaps I'm wrong, but my recollection is that about three
22 or four years ago the organization said there should be a
23 separate technical meeting because technical issues
24 weren't adequately addressed when they were presented as
25 part of the managers meeting. Also technical people

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1 weren't coming to this particular meeting. So you weren't
2 necessarily getting the information down. Now I believe
3 that's correct, and just to follow on.

4 Dick remarked earlier about a case-by-case
5 basis interest of the NRC in funding, and it certainly
6 seems to be a technical workshop for the interest of the
7 NRC and ought to be funded. Without getting into a
8 discussion about equity and all that, it just seems they
9 fairly fit into that definition of what is in the interest
10 of NRC

11 MR. QUILIN: Well, I was going to ask Larry
12 that since NMSS has such an interest in this issue,
13 whether they would be willing to support this.

14 FACILITATOR CAMERON: Well, Larry's going to
15 answer that.

16 MR. CAMPER: The answer is I'm not going to
17 answer. No. I don't know. We could explore that. I
18 don't know. I do know as I've said and I was speaking
19 obviously from the purely technical program manager's
20 standpoint. I mean the value of the exchange is extremely
21 important, and I think on this medical question in
22 particular. Obviously and I think you all would probably
23 agree, we need to talk about that.

24 With regard to the funding question, I can't
25 answer that as we speak. I will explore it.

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1 FACILITATOR CAMERON: Okay. Thanks, Larry.
2 And keep in mind I think that the concept that Ruth was
3 talking about was the same type of a concept that Rita was
4 bringing up, is can you try to alleviate the funding
5 problem somewhat by hooking this technical session onto
6 another meeting that state governments might traditionally
7 pay for their people to go to and the idea was the CRCPD
8 meeting.

9 Richard, did you have your card up?

10 MR. RATLIFF: Yes. Because I disagreed with
11 Bob on the other point, I think that the CRCPD is an
12 excellent way. It gives us a chance to get our people
13 there, and we're being required to consolidate meetings to
14 try to make them more efficient. So having it, not part
15 of CRCPD, but in conjunction with, would help us get more
16 people there. I think it's important though that we get a
17 poll of the states to see which states could come if they
18 had to pay and which ones would come. I think we need to
19 decide that issue before we can really decide are we going
20 to have a workshop or not.

21 MR. LOHAUS: Well, I think there's two issues.

22 FACILITATOR CAMERON: That's a good point. Go
23 ahead, Paul.

24 MR. LOHAUS: Well, yeah, I guess that's where
25 I was coming to is this may or may not be the right time

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1 or fair question, but could we show maybe by a show of
2 hands how many states would be able to provide travel for
3 attendance of at least a representative to a spring
4 technical workshop?

5 MR. HILL: Is this assuming a Saturday night
6 stay so you can travel by air?

7 FACILITATOR CAMERON: It could assume that.

8 MR. LOHAUS: It could.

9 FACILITATOR CAMERON: When Bob mentioned that,
10 he was talking about this particular meeting next year.

11 MR. LOHAUS: I think we could schedule the
12 meeting such that if the consensus was to start the
13 meeting on a Sunday, we could certainly put that in the
14 plan.

15 MR. HILL: So a Saturday night stay.

16 MR. LOHAUS: Saturday night stay with meetings
17 starting on Sunday, maybe lasting through Tuesday,
18 something like that. That's certainly a point we could
19 use for planning.

20 FACILITATOR CAMERON: What do you think?

21 GOVERNOR GODWIN: I would like to separate
22 that question totally from whether we could have a meeting
23 and discuss it on a second thing because I'm really not in
24 favor of us taking up our weekends with work because that
25 ends up for us being 12 straight days. We get no time

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1 off. Our people don't get any time off. If I send a
2 union member, then I've got to pay time and a half for
3 that person on the weekend. So there are a lot of issues
4 and we literally don't save enough money with a Saturday
5 night stay over to justify paying the time and a half, the
6 inconvenience, et cetera. I'm sorry. So I'd rather
7 separate the two issues. I can be very much for having a
8 meeting an paying for it but if you say you're going to
9 have it on the weekend, then my view changes greatly.

10 MR. LOHAUS: Well, let's separate that

11 GOVERNOR GODWIN: We even have churchgoers in
12 some of our programs.

13 MR. LOHAUS: Sure.

14 MR. PARIS: Let me speak to that. I can speak
15 to that very issue. I was planning to go to an October
16 meeting for the recycle and it was during the week, and if
17 I did not stay a Saturday night the airfare was \$1500. By
18 staying a Saturday night, it's \$310. I guarantee you you
19 can save money by a Saturday night stay.

20 GOVERNOR GODWIN: Well, then stay over.

21 MR. PARIS: Well, that's what I'm doing, but I
22 will not --

23 GOVERNOR GODWIN: We have a program where if
24 we can justify that we'll save money, then the state will
25 pay us to stay over a Saturday night or whatever, but I

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1 don't think we should put it on the rest of everybody to
2 destroy a weekend to go to a technical meeting that is
3 part of our job when we have other options.

4 FACILITATOR CAMERON: Let's go back to Paul's
5 original question and just separate out that issue.

6 MR. LOHAUS: Right, but let's --

7 FACILITATOR CAMERON: Although we know it
8 could have an important impact.

9 MR. LOHAUS: Let's separate the two. Let's
10 repose the question. A technical meeting that will be
11 held during the week, how many states would be able to
12 provide travel and per diem expenses for attendance by a
13 representative?

14 MR. LOHAUS: I count 14.

15 FACILITATOR CAMERON: How would that change if
16 it was hooked onto the CRCPD meeting?

17 MR. WANGLER: Their travel is funded. You're
18 talking about a different field. The CRCPD meeting, they
19 fund travel for one person. Wasn't the question would we
20 fund travel for one person to go to the technical meeting,
21 correct?

22 MR. LOHAUS: That's correct. Yes.

23 FACILITATOR CAMERON: I'm trying to get an
24 idea of would that 14 increase to 20 or something if it
25 was hooked onto the CRCPD meeting. Diane.

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1 MS. TEFFT: (Inaudible audience comment fro
2 unmiked position).

3 FACILITATOR CAMERON: So would it be true that
4 hooking the technical meeting onto the CRCPD meeting would
5 not substantially increase the number?

6 MR. WANGLER: Take a vote. Do the same thing.
7 Take another vote. How many people would send somebody to
8 the technical workshop if it were attached to the CRCPD?

9 FACILITATOR CAMERON: Okay.

10 MR. LOHAUS: All right. Let's call for the
11 vote on that. If the technical meeting was held in
12 association with the conference meeting, how many states
13 would be able to send a representative? I could 22.

14 MS. ROGERS: That's 21.

15 MR. LOHAUS: Okay.

16 FACILITATOR CAMERON: Alice is always going to
17 pay attention to details.

18 MR. LOHAUS: Sure. Thank you, Alice.

19 MR. FLETCHER: I think we need to clarify this
20 issue. You know, we're looking on the one hand at the
21 value of the technical workshop which I don't think
22 anybody has any question about. We're looking at the
23 willingness of state programs to participate with
24 technical people on that workshop which I don't think
25 anybody has a question about. But the other part of that

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1 issue we seem to be clouding over is the fact that we are
2 being severely impacted by this change in policy. Now
3 we've got to make some decisions for the benefit of OAS as
4 to how we're going to deal with that, and I think Bob's
5 recommendation focused on that part of the question. If
6 this is the policy we've got to deal with, this is how we
7 recommend dealing with it, and I think we need to separate
8 the two as we've discussed.

9 FACILITATOR CAMERON: Okay. Let's sort of
10 recap on that comment where we are here. It seems like
11 there's a substantial amount of people out there who if
12 the technical workshop was held in conjunction with the
13 conference that they would be able to send someone. Now
14 as Roland points out, there is a big issue here about
15 funding. Larry's been asked about that question. I don't
16 know if State Programs in conjunction with NMSS is going
17 to be able to explore the possibilities of providing
18 funding.

19 MR. LOHAUS: We'll certainly take that issue
20 and explore it further, but in looking at the current
21 policy and the way that policy is interpreted, both the
22 October meeting and the spring technical workshop are
23 meetings where NRC would provide reimbursement for
24 state participation. With respect to working groups or in
25 activities such as participation on developing a licensing

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1 guide, let's say through the business process re-
2 engineering effort, that type of activity would be covered
3 but the fall and the spring meeting were not, but we'll
4 certainly consider that further.

5 MR. COLLINS: One of the things that you might
6 consider --

7 FACILITATOR CAMERON: Who is talking now?
8 This voice from the clouds. I'm just trying to find him.

9 MR. COLLINS: I'm sorry.

10 FACILITATOR CAMERON: Steve.

11 MR. COLLINS: Steve Collins from Illinois.

12 For the technical workshop one of the things you might
13 consider is for any state people that have actually done
14 some of the work involving one of the topics that you're
15 talking about, if you'll get them to be the presenter
16 instead of it being someone who set back in an office and
17 maybe not seen one and done the licensing effort or
18 whatever, and I think any of the states would accept the
19 task of putting on a talk for the invitational travel
20 expense to get a lot of state people there, and they would
21 also be much more involved.

22 FACILITATOR CAMERON: That sounds like that
23 might be a helpful suggestion. Let's go over to Marcia
24 and then over to Aubrey and then to Aaron.

25 MS. HOWARD: One of the things about attaching

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1 the technical meeting to the CRCPD meeting, you may not
2 get the types of individuals that you need at a technical
3 meeting at that meeting. You may get participation, but
4 you may not get the technical people because although we
5 will be sending probably more than one person to the CRCPD
6 meeting, it would not be the same individuals that we
7 would send to the technical meeting because we can't send
8 that many people out of state at the same time. So these
9 are two different issues. Although, yes, we could
10 probably get more people to go to the CRCPD meeting, it
11 would not be the same people that we would send to a
12 technical meeting.

13 FACILITATOR CAMERON: Okay. I think that's an
14 issue that's going to have to be addressed and there may
15 be some flexibility there, but I think that's a point that
16 has to be addressed.

17 Aubrey

18 GOVERNOR GODWIN: She stole the first part of
19 my issue. The other one is that due to the length of the
20 conference program and also the possibility that the
21 conference may have things that they want to tag on, we
22 could easily end up with eight or nine days in this
23 program and that's a long time for any staffer or staffers
24 to be missing from things, and if you start saying, well,
25 I'll rotate some back and send some out, you've defeated

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1 the whole purpose of adding it on this part of the
2 program. So it's not a simple, straightforward thing, and
3 again, I would reiterate what Marcia said, yes, you'd
4 probably get more there, but it's a good likelihood it's
5 the wrong people.

6 FACILITATOR CAMERON: Before we go to Aaron,
7 we're not going to be able to solve all of this now, and
8 there may be a suggestion for a mechanism on how to do
9 that, but let's let Aaron talk and then maybe you can sum
10 it up.

11 MR. PADGETT: The first part was ditto to the
12 comments on the attendance at the CRCPD. You may have the
13 wrong person, it may be a long time and so forth. The
14 other thing was lack of a positive response does not
15 necessarily mean we won't be there. For instance, I
16 didn't say yes, we'll send somebody. That travel will
17 compete for funds along with all other travel. It depends
18 upon what I see, you know, what value does this add in
19 comparison to these other competing interests. For
20 instance, I may need to send someone to a training course
21 and I'd look at this and say, okay, which is the greater
22 added value. So lack of a positive response here does not
23 necessarily mean negative, no, we won't send someone.

24 FACILITATOR CAMERON: Okay. That's noted.
25 Paul, do you have any suggestions?

1 MR. LOHAUS: Sure. To move forward. What I
2 would like to suggest is that if there are any further
3 thoughts that you have, you pass those on to Bob and what
4 we'll do is take the discussion today, any additional
5 feedback that you have, and during our next conference
6 call, monthly conference call, we'll talk through and
7 either identify an option or a series of options and then
8 we'll make that available for further review, but I think
9 we've had some good discussion, some good options and if
10 you'll pass on any further comments to Bob, we'll try and
11 sort this out and reach a bottom line during our next
12 conference call.

13 FACILITATOR CAMERON: Okay. Now that we have
14 the agenda set for the spring meeting, let's move on.

15 MR. WANGLER: That will include the
16 discussions about the format for the next annual meeting
17 as well, correct?

18 MR. LOHAUS: Yes.

19 FACILITATOR CAMERON: Okay. Thank you. Okay.
20 Could we have Bob Free and John Lubinski and Rita, do you
21 want to join us up here?

22 MR. LUBINSKI: Okay. If I can have everyone's
23 attention. My name is John Lubinski. I work with NRC
24 NMSS, and I'd first like to introduce the two people on my
25 left. You probably don't need an introduction. Bob Free

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1 from the State of Texas and Rita Aldrich from the State of
2 New York.

3 The reason we're here this morning is to talk
4 about the working group to evaluate control and
5 accountability of license devices. We're really splitting
6 this into three parts this morning. That's why there are
7 three of us here. I'd like to talk about an overview and
8 summary of the activities and the work group report that
9 was submitted to NRC. Then I would ask Bob to go into a
10 little bit of detail as far as participation in the work
11 group activities, both NRC Agreement States as well as
12 other stakeholders in the process such as licensees and
13 members of the public. And then we're going to ask Rita
14 to talk. Rita had some additional comments on the work
15 group report that was submitted, and we're going to ask
16 her to talk about those.

17 As I said, I'm giving an overview of the
18 working group, and before we formed the working group, the
19 question was is there a problem? I highlighted a couple
20 of things up here as to why NRC believed there was a
21 problem.

22 The steel manufacturers had basically told us
23 that they were incurring high costs as you can see by this
24 view graph resulting from accidental smelting of devices.
25 Their statement was if you controlled your licensees, we

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1 would not have these devices making it to our facilities.

2 The second item talks about monitoring. The
3 scrap dealers and the steel manufacturers had put in place
4 monitoring systems to assure that they protect themselves.
5 However, we were getting information back from these
6 people saying we're finding a large number of discrete
7 sources. The information I have is very soft because it's
8 not a reportable number, but there were 178 fines over the
9 last 13 years of radioactive material. Of that, 92
10 percent were IAEA material, and then there was another 78
11 that were radium. So it was not just a problem with IAEA
12 material.

13 The next item we looked at inspection records
14 and found there are numbers of devices that are lost
15 either through licensees reporting or found through
16 inspections. Then in 1990, NRC did the survey of general
17 licensees, and it was just a sample of licensees, 10
18 percent, which translated at that time to about 3,000
19 licensees. The results showed that we were getting a
20 response rate of about 90 percent which typically for
21 surveys is pretty good except for the fact that these were
22 actually NRC licensees receiving information on NRC
23 letterhead stating that if they did not respond, they
24 could be subject to inspections. So we actually expected
25 a little bit of a better response rate. So that showed

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1 that maybe some of these licensees just didn't care or
2 didn't have their devices.

3 A reference to background, just quickly. The
4 working group was formed in July of '95. The charge of
5 the work group I think is very important because it
6 focused on what NRC perceived as the problem in this area
7 and that is evaluate control and accountability of both
8 specific and general license devices. It's really two
9 parts there, control and accountability and both general
10 and specific license devices.

11 The original charge said a product would be
12 due in July of '96, and that would be recommendations for
13 improvement to the programs.

14 The process, I'm just going to go over here
15 briefly, and Bob's going to talk about it in a little more
16 detail, is we wanted to involve as many stakeholders as
17 possible. That included Agreement State, licensed users,
18 vendors, non-licensed recipients, and I put down metal
19 recyclers and manufacturers because they were presenting
20 to us a problem saying that they are receiving these
21 products. Other Government agencies, DOE and the EPA
22 participated in the activities as well. Just a statement
23 about that up front that many of the licensees who came to
24 the meeting, I'd say the average was about 30 people
25 attending per meeting in addition to the working group,

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1 were very vocal, thought out with their concerns and had a
2 lot of experience in this area.

3 I want to put a slide up of the working group.
4 You may recognize many of the names on the list. I want
5 to point out up front, Joel Lubenau originally was the NRC
6 Co-Chair of the working group. In March, Joel accepted a
7 position with Commissioner Dicus' staff. Then I was asked
8 to replace Joel as the NRC Co-Chair. Bob Free acted as
9 the Agreement State Co-Chair for the working group. As
10 you see, the other members are listed, and another member
11 that is not listed as a working group member but was a
12 liaison to the work group was Mr. Jim Usco from the State
13 of Pennsylvania, and I'd just like to recognize his
14 involvement. Jim was maintaining database. A lot of the
15 data we received on lost devices and fines came from Jim.
16 He provided a fair amount of input into this process.

17 The first thing we had to do with our charge
18 was to find what is actually the problem and we defined it
19 as four parts. Over time we were very clear on what the
20 problem was, but how to actually define it in words kept
21 being redefined as we went through the process.

22 The first item, inadequate regulatory
23 oversight, we felt is the number one problem, but we also
24 listed that as kind of a root cause to the situation. If
25 regulators would have better oversight of the programs

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1 maybe we wouldn't be in the situation we are now.

2 The second item we list is control and
3 accountability and that really came from our charge, and
4 we also agreed that that was a problem and that's where
5 the problem presented itself. We looked a little bit at
6 other areas of use and licensing and determined that there
7 was not enough data to make any recommendations to changes
8 in that area. So we're going to concentrate just on how
9 can licensees improve control and accountability and make
10 sure that each of our recommendations dealt exactly with
11 that subject and didn't deal with other issues of health
12 and safety, but dealt specifically with that issue.

13 The next item, improper disposal of devices,
14 we felt was something that we definitely had to deal with.
15 We felt that currently the problem was both wilful and
16 unwilful disposal of devices. Specifically, problems with
17 accountability stem from a lack of knowledge of the device
18 being at the facility, lack of knowledge of licensing
19 requirements, the devices themselves being low
20 maintenance. If someone didn't know it was there and a
21 process line was torn down and the gauge was accidentally
22 gone. So we had to say to ourselves, how are we going to
23 deal with that improper disposal?

24 The second was in knowing and the reason we
25 stated that is that some people are evaluation or we found

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1 that in some instances people evaluate the situation and
2 say, well, it's going to cost me more to dispose of this
3 properly. If I just act like I didn't know it was there
4 and let it go through the process, someone will find it
5 along the way, no one will get hurt, a scrap recycler will
6 find it with a monitor or steel mill will find it with a
7 monitor. Even in that case we said with the improper
8 disposal even the steel manufacturers who find it may
9 decide I don't want to take a chance on getting stuck with
10 the cost. I'll just pass it along. So we felt that was a
11 fairly large part of the problem.

12 The last problem, problems associated with
13 orphan devices, and let me define what I mean by orphan
14 devices. These are devices that make it out into the
15 public domain and cannot be tied to a licensee or licensed
16 user. The label may have been defaced. It may not have
17 had a label on the device. It may have had a label but
18 there's no record of who the last person was to have this.
19 And we felt that this was definitely a problem even if our
20 recommendations were 100 percent effective which nothing
21 is, we're still going to end up in the future with orphan
22 devices.

23 In addition, there are some devices that are
24 already orphaned. They just had not made it into the
25 hands of someone yet. They are lost. They're in the

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1 scrap process. They're in a landfill. They make come
2 back up again. So we have to deal with this issue of
3 being a problem.

4 The first thing we looked at was some of the
5 actions that have taken place over the years with respect
6 to these programs. A little history, in 1959 was the
7 first general license for distribution. As you can see,
8 it changed little since the seventies. Maybe some
9 labeling issues, reporting requirements, but not much in
10 the area as far as changes to the regulations or the
11 procedures for implementation of the regulations.

12 1991 NRC put a proposed rule on the streets.
13 We received comments. The comments were incorporated.
14 However, due to resource constraints at that time frame,
15 the rule was put on hold. The current status of that
16 rulemaking is still on hold. That rulemaking dealt with a
17 registration system for all general licensees.

18 The next item, decreased inspection
19 frequencies. As resource constraints hit both the NRC and
20 many of the states, the first thing you did was dump the
21 inspection of the lower risk devices and device users. So
22 many of the people who were either on a five year
23 inspection or three year inspection were bumped back to a
24 five to seven year inspection frequency. Some general
25 licensees were inspected who are not inspected at all now.

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1 Some licensees even though they're a five to seven year
2 frequency, they were bumped for a higher priority
3 inspection.

4 We did note that some Agreement States, we do
5 not have an exact number of all the actions because there
6 was many actions in a proposed state, many actions in
7 final state, had implemented programs including
8 registration of general licensed devices as well as
9 specific licensing use of all general license devices.
10 The two people to my left, their states have such programs
11 in place. The State of Texas has a registration program.
12 Rita, in New York, has both specific licensing and I'm
13 going to say a form of registration. I think she'll
14 explain that a little bit more.

15 MS. ALDRICH: No, we already have the
16 registration.

17 MR. LUBINSKI: Excuse me.

18 MS. ALDRICH: We already have the
19 registration.

20 MR. LUBINSKI: Already have the registration.

21 We quickly asked what some possible solutions
22 would be from stakeholders in the process. These are an
23 example of some of the responses we got back. Status quo,
24 people said there's really not a problem. We don't see
25 high doses. We didn't agree with that. We felt that the

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1 numbers showed that there was definitely a problem.

2 Abolishing the general licensing program, a
3 couple of people made this statement. We felt as a group
4 that this was a very costly item, and we really needed to
5 look at this in detail before we made that recommendation.
6 We ended up not agreeing with this recommendation and felt
7 that there was definitely a lot of benefits to the current
8 general licensing program. However, we did agree that
9 some modifications were needed.

10 Leasing of bypass duct material, that was
11 brought up as a recommendation. We would not allow people
12 to sell the general licensees, only lease. Therefore, all
13 the responsibility would go back on the owner for
14 disposal. What we found and we've gotten some comments
15 from people involved is that leasing is currently going on
16 in some area; however, they still get lost and then when
17 they get lost the owner just hits them with a bill and
18 says, okay, here's a bill for the device you just bought
19 instead of a leasing fee. So it really didn't do much to
20 solve the problem at that point.

21 I'm going to go quickly over the next two
22 slides here. What we've said is that we needed to get
23 some straw man solutions to the problems. We weren't
24 looking for general overall program solutions at this
25 point, but what we do really need and let's examine each

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1 one and make sure that it deals with control and
2 accountability.

3 The first couple I just want to hit, increased
4 contact between users and regulators. The statement was
5 made at this point that when someone receives a device,
6 it's not likely that they're going to lose control and
7 accountability within the first month, first couple of
8 months, first year. This usually happens after they have
9 the device for a while. Again, root cause of the problem,
10 low maintenance, people who have knowledge of the device
11 are gone, use of the device is no longer needed.
12 Therefore up front was not a problem. However, the
13 increased contact needed to be periodically. So we've
14 listed that as an increased contact, and you'll see why we
15 just call it contact at this point when I talk about or
16 recommendations.

17 The next, early warning signs. Again, we want
18 warning signs for the regulators to know, is there a
19 problem? As you can see down the list, required devices,
20 required users, these are additional items that may be in
21 place in some areas, may be in place for specifically
22 licensed products, but these are items that require the
23 users to take actions, require the design of the device to
24 be different. We felt these were necessary to assure that
25 this increased contact, that is determining if the person

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1 still maintains control and accountability of the device,
2 are needed. So even though there are additional
3 requirements on the users, they filter back up to the
4 increased control and the increased oversight.

5 The last item on this slide talks about the
6 proper disposal and evidence of proper disposal. We felt
7 that this was really a hole in the system right now. We
8 want to make sure that during the licensing process,
9 everything is clearly closed out, that all material has
10 been disposed of properly.

11 The next slide talks some more about issues
12 and really centers on disposal. We said that the problem
13 is that people don't know up front what their disposal
14 options are and then down the road if they get stuck with
15 the disposal and there's costs and they're not ready for
16 it, that's where the problems occur.

17 The next items really talk about orphan
18 devices, responsibility of the DOE and the EPA. We've
19 looked at those government agencies and said they have
20 some responsibilities in this area. Let's make sure that
21 they fulfill their responsibilities. We said that orphan
22 devices are going to occur and they have to be disposed of
23 properly. We felt that this was a very strong issue, and
24 when I talk about the recommendation, you'll see where
25 some problems come with that.

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1 The last two items, training of stakeholders
2 and the licensing or labeling of devices insures that when
3 something does happen, that is a device does get lost, is
4 out of control, that we have some way to identify and
5 mitigate the circumstances.

6 Our recommendations came down to five items,
7 and really the first two are probably are more from a
8 regulatory standpoint that would be the most significant.

9 The first one says increased regulatory
10 oversight. The recommendation was to have periodic
11 contact between the regulators and the users of the
12 product. We recommended that this be an annual contact
13 between the users and products. We did not define in our
14 document that it had to be an onsite inspection, that it
15 had to be a registration system where you're mailing parts
16 to people, that it had to be a phone call. We left some
17 freedom as far as how this contact is done. This allows
18 that specific licensees can be inspected at this point.
19 If someone wants to change a category of general licensee
20 to a specific licensee and do an inspection annually, they
21 can do that. The freedom is there in implementing this
22 part of the program.

23 However, the cost that we define in our
24 recommendations are based on a registration system, and we
25 do recommend that NRC implement such a registration system

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1 because of cost effectiveness. But again, it's a contact.
2 These are the devices that we know you have. Do you still
3 have these devices? Are they in the appropriate location?
4 And send back a letter saying yes, we've checked
5 everything, your still in compliance with your license
6 from an accountability standpoint, you can continue to
7 operate.

8 The next item is imposed penalties. We felt
9 at this point that the enforcement policy is not
10 appropriate for persons losing devices. There are some
11 very large consequences that can come from loss of a
12 device. I quoted earlier the steel manufacturers. But
13 even if that were not to occur, if a scrap dealer were to
14 pick it up and it were not to be smelted, there could be a
15 possibility as much as \$20,000 for that person to dispose
16 of the device. That's by the time he gets done
17 contracting someone to come in and package it, shipment
18 and disposal at a waste site. So it's a fairly large cost
19 and we felt that with those types of circumstances on the
20 back end, that if someone loses it, we really should hit
21 them with a hard hammer at that point.

22 The third, insure proper disposal of orphan
23 devices. As I said, we felt when these orphan devices
24 come up, that NRC and the states ought to make sure that
25 these devices are disposed of in their proper manner.

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1 Currently it is unclear from NRC's standpoint exactly what
2 happened. In some cases, the person receiving it becomes
3 responsible. It may be 5, 10, \$20,000 for them to dispose
4 of this device just because they were stuck with it when
5 the music stopped. They didn't have a chair. So at this
6 point we did not feel that was appropriate. That would
7 encourage that licensee to pass it on.

8 We cite a case in Texas with radiography
9 devices that I'm sure everyone is aware of. That device
10 was passed around from scrap yard to scrap yard trying to
11 basically get the money back that they put into it
12 originally and make sure that they didn't get stuck with
13 it when the music stopped. That is when they got caught.

14 We don't want that to happen. That's not a
15 safe situation. However, in our recommendations we stated
16 that NRC needs to work with DOE and EPA to get the funding
17 from them that is required in this area, and if that
18 cannot happen, the states and NRC need to look at what
19 funding would be needed to take care of the rest of the
20 orphan devices that may appear.

21 The last two items are recommendations that
22 came from mostly the stakeholders involved in the process,
23 but that we looked at where the NRC and the states could
24 not necessarily take actions.

25 The first was with NARM. NRC cannot take

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1 actions with respect to NARM. However, we recommended
2 that NRC encourage all states to implement similar type
3 programs for NARM devices. Our data shows that NARM
4 devices are showing up. They are causing problems. They
5 are radioactive materials. Therefore, they should be
6 regulated in a similar manner. So that would be a
7 recommendation to all states.

8 Encourage non-licensed stakeholders to take
9 appropriate actions. We really piggybacked this a bit
10 with the funding of disposal of devices. We felt that if
11 there was a system in place where someone who found a
12 device could place a phone call and someone from a state
13 agency or from NRC would come out, take care of shipping
14 the device with no cost to them, that these people would
15 act responsibly. However, they need to train through
16 their associations, that is the scrap recyclers, steel
17 manufacturer associations, AISI, to go through and let
18 their members know that these are the type of actions that
19 should take place, and these are the hazards that could
20 occur if they continue to pass the device along.

21 For our recommendations, we put a costing in
22 place and really the cost applied to the first
23 recommendation. The other three recommendations are self-
24 explanatory. The funding was not provided for disposal,
25 but this costing information is based on a registration

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1 system.

2 The up front initial setup cost we felt was
3 based on some data that we had as far as the number of
4 devices that we could not account for in the first couple
5 of years of implementing a system. We may need to go out
6 and do physical inspections of facilities. We may need to
7 look for lost devices. It's a fairly high cost, and this
8 is for all that is NRC and the state almost \$3.4
9 million, and this was really on a per device basis to try
10 to set up this system. This also included any type of
11 computerized database systems, card file systems,
12 depending on the way a state would do it. If a state had
13 a small number of licensees affected by this program, then
14 they may do it by a simpler system or may just decide to
15 issue specific licenses and move on from there and there
16 may be much less in the setup costs.

17 Annual operating costs, you can see it's split
18 between the regulators and the licensees. This cost for
19 the licensee is really what we estimate as an
20 administrative cost to the licensees, what it's going to
21 cost them to file reports, what it's going to cost to keep
22 records, what it's going to cost to insure the labeling is
23 maintained, inspect to make sure the device is still in
24 place. It says \$3.4 million annually for the licensees.
25 NRC and the states, again this would be a contact system,

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1 and this is based on the fact that much of the information
2 coming in is going to be correct. Someone is not going to
3 have a problem. We felt that down the road we are going
4 to get less of this for the fact that up front within the
5 first year you contact someone, you let them know what the
6 requirements are, they're more likely to account for the
7 device. You're not going to have as many losses.

8 Annual benefits were very tough to calculate.
9 Information from steel manufacturers said that from '83 to
10 present it was approximately \$12 million per year that
11 they've had to spend for smelted devices. That had to do
12 with the cleanup of their facility, the down time of their
13 facility as well as disposal of contaminated waste.

14 Exposure savings was much tougher to
15 calculate. We have a range of anywhere from \$1.4 million to
16 \$2.1 million per year in annual exposure savings. This is
17 based on information from NRC studies that were provided
18 to us by PNL and Oak Ridge. PNL did some calculations
19 based on incidents that have occurred, the amount of
20 exposures that have occurred and what they would estimate,
21 and it only really deals with cesium devices. So even in
22 this area, it's a soft number, but could be higher. We do
23 note in the report that worldwide there have been devices
24 lost, and people have died for the fact that these devices
25 have been lost, out of control, breaching of the

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1 containment of the source.

2 Issues and concerns, at the top of the list is
3 definitely compatibility. We had to look at that and
4 decide what was the best to do. As I stated, many states
5 have already taken actions in this area. They've been
6 proactive instead of reactive in this area which we were
7 glad to see. For that we said we would definitely
8 recommend a compatibility two program. Why take a state
9 that's doing something right and have them back off from
10 it. Let them continue with what they're doing as long as
11 they meet the recommendations of the program which are
12 fairly open as I said because we talk about contact and
13 don't specify a form.

14 Cost and fees, we said many states are already
15 collecting fees directly from licensees. NRC should do
16 the same. It's a full cost recovery agency. Why should a
17 general licensee be treated any different than a specific
18 licensee? He's using a device, he's benefiting.

19 Radiation exposure, as I talked about, they
20 were difficult to determine but we did come up with some
21 estimates and are included in the report.

22 Device design, again we were looking at
23 control and accountability of devices. So when we looked
24 at design, we really looked at how could you identify a
25 device. The only recommendation came in the labeling

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1 area. Design of the devices from a dose standpoint, we
2 did not look at because we didn't have data that says
3 there was a problem in the field using devices and also is
4 not part of our original charge.

5 Changes that affect all devices only newly
6 acquired. We said that if this was going to happen, we
7 have to really go with all. Your problems are going to
8 occur with trying to back-fit the program to existing
9 devices and a high cost, but that's where your problems
10 are going to occur as well. There are many devices out
11 there that people currently have in place. We need to get
12 an inventory of those devices and make sure that those
13 people are accountable.

14 Device disposal I talked about already.
15 Identification really was in the labeling area, and I hit
16 that.

17 Devices requiring increased oversight. One of
18 the things we looked at here is that do all devices, that
19 is all devices used currently under general or specific
20 license require this increased oversight, and we said no.
21 We felt that some of them were lower risk devices. We
22 defined a category within our work group paper that stated
23 what devices needed the increased oversight. We looked at
24 this in two perspectives. One, what risk is there if
25 these devices were lost? Is there going to be a direct

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1 impact on health and safety? And number two, is there
2 going to be a direct impact on property? There's an
3 appendix to our work group report that talks about our
4 charge and NRC's mission of protecting public health and
5 safety and property. So we said we need to look at that
6 as well. And that was the reason for coming up with that
7 category of devices.

8 We also note in the report that this is
9 something, I don't want to say a moving target, but
10 something that needs to be evaluated continually. Are
11 there other categories of devices that could be subjected
12 to increased oversight? Are some of these devices
13 included maybe lower risk and should not be included? So
14 they need to be re-examined periodically.

15 General license versus specific license. We
16 decided that as a group the control and accountability of
17 devices is what was important. The increased oversight
18 would take care of that, again periodic. The only true
19 difference by definition of a general and specific license
20 device is preapproval of your license. We didn't see
21 where the preapproval was important in adding that much to
22 the process by requiring all general licensees to become
23 specific licensees. As long as we got the contact in the
24 first year, let them know at that point, don't forget
25 about your regulatory responsibilities. Don't forget to

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1 maintain control and accountability, that that was
2 sufficient. So we did not require a specific licensing
3 program.

4 Identification of current users and devices.
5 We've provided some recommendations on how NRC and the
6 states should go about finding these people and imposing
7 restrictions on portable devices and storage of devices.

8 These were two issues that came up from
9 stakeholders in the process. Portable devices should not
10 be used under a general license. They should be subject
11 to increased oversight. We as a group said we felt our
12 criteria of basing it on the isotope and activity used in
13 the device was sufficient. We didn't see enough data at
14 this point to say portable devices should be restricted in
15 any way. One of the examples we used is the portable
16 moisture density gauges which have a high loss rate. When
17 I say loss, I'm also including theft of devices. So they
18 end up out of control. They're used under a specific
19 license. So if we just said use all portable devices
20 under a specific license, we didn't feel we were
21 increasing much. However, we did feel from our
22 registration program that we could develop data that would
23 support whether or not to change the program and include
24 portable devices.

25 The same with storage of devices. Many people

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1 brought up the fact that problems occur later in the life
2 of the device, when it comes off the process line and is
3 put into storage. People at that point tend not to think
4 about the device, out of sight, out of mind, and then when
5 they tell someone to go clean the storage area, they toss
6 the device. That was a rationale, but again, we didn't
7 have enough data to support that recommendation. We ended
8 up stating in this area that for these two items NRC
9 should look at the data that's being developed through the
10 registration program and determine whether or not there's
11 an enough data to support including these on increased
12 oversight.

13 Future actions of the program, or for the
14 report, the report was submitted on July 2nd. It was
15 submitted to Carl Paperiello, Dick Bangart, directors of
16 NMSS and OSP respective. The report will be forwarded to
17 the Commission after NRC management review. I cannot
18 speak to what type of cover letter or recommendations for
19 the report will go to the Commission. At this time it's
20 preliminary information. However, it is scheduled at
21 this point to be at the Commission in early October.

22 However, the report itself is available to the
23 public. I believe everyone has been forwarded a copy of
24 that report. It's been placed in the PDR under review
25 group, radioactive devices, as well as all the minutes

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1 from the meetings and information that was evaluated by
2 the working group, is included under that title in the
3 PDR.

4 Some of the commissioners have seen the report
5 as stated by Commissioner Dicus in her keynote address,
6 that she has seen the report but it has not formally been
7 forwarded to the Commission.

8 I want to point out for the future actions
9 that some of these actions we recommended would require
10 rulemaking. So as Dick Bangart stated this morning, the
11 actions would go to the Commission for review, would go
12 through a rulemaking process, we would get at that point
13 additional input from license holders, but we feel that
14 through the work group process we have taken into account
15 much of the concerns of all stakeholders involved in the
16 process.

17 At this point I'm going to turn it over to Bob
18 to talk about the actual formation of the work group and
19 work of the group and how we held our public meetings
20 and the involvement of all the stakeholders, but I would
21 like to make a statement here that we talked this morning
22 about this work group on evaluation of control and
23 accountability of licensed devices. I heard a number of
24 comments this morning as I was sitting here and was not
25 able to hear some of the comments yesterday of people

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1 talking about the formation of working groups, but if
2 anyone does have any questions when we finish as far as
3 how it was handled through this working group and the
4 process, we'd be glad to provide that. However, general
5 statements, I don't know if we can provide any general
6 statements on the workings of all work groups within NRC.

7 At this point, I turn it over to Bob.

8 MR. FREE: After the formation of the working
9 group, Joel and I spent some time on the phone discussion
10 the charter, and it involved conversations with other
11 members of the working group. Joel did most of the
12 contact personally. We didn't participate in any
13 conference calls prior to our first working group meeting
14 in October, but the charter was developed in draft form
15 prior to the October meeting and then adopted there.

16 Seven issues were identified in the charter
17 that needed to be addressed. They were NRC and Agreement
18 State compatibility, cost and fee considerations,
19 radiation exposure savings, device design, changes that
20 affect all devices versus only newly acquired and that was
21 trying to address the back-fit rule if it was necessary or
22 not, device disposal and device identification for
23 purposes of users and other stakeholders in the scrap
24 streams.

25 The first meeting as I mentioned was in

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1 October, and most of the discussion centered around the
2 development of the charter and statements were heard by
3 representatives of the steel manufacturing industry and
4 Dr. Paperiello from NRC. The working group was challenged
5 to try to come up with recommendations that would be most
6 cost beneficial to all the parties involved which was a
7 fairly difficult charge.

8 The second meeting occurred in December 19th
9 through the 21st. The primary subject of that meeting was
10 to deal with the date and location for a public workshop
11 to be held and it was agreed that that would be conducted
12 here in Washington, D.C., at the NRC headquarters on
13 January 18th and 19th.

14 There were 16 panelists for that public
15 workshop and about 35 other members in attendance.
16 Several Agreement States participated on a bridgeline to
17 listen in. I don't have any information at this point of
18 how many there were. I've talked to a couple of states
19 who said that they did listen in, were able to, but they
20 couldn't participate because of the way the bridgeline was
21 set up.

22 At that meeting an industry proposal was
23 introduced by Jack Duke of ABB, and John has covered I
24 think most of the elements of that. Some of the elements
25 that were in that proposal that are not in the

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1 recommendations are Division I level of compatibility and
2 a national database for identifying devices and their
3 owners.

4 At the end of that meeting, we were approached
5 by Paul Lohaus and requested to participate in the
6 Agreement State technical workshop to be held in
7 Vancouver, Washington, in March, and Joel and I put
8 together a meeting or program for that. That meeting was
9 very beneficial to us. I should back up and maybe ask the
10 question if most of you have received the draft of the
11 working group recommendations that are to be transmitted
12 to the commissioners.

13 In that document meeting minutes are included
14 in Appendix B, and there is a table that was developed at
15 that meeting. We asked for and were able to get
16 involvement from a number of Agreement State technical
17 representatives in developing the isotopes of concern as
18 we labeled them, and that's where we initially came up
19 with the cesium 137, cobalt 60 and strontium 90, as the
20 major isotopes that we should be dealing with.

21 Later on in discussions at other meetings, we
22 came up with the idea of using the numbers, a thousand
23 times the exempt quantity limits. It seemed to be the
24 easiest number to deal with. The working group still
25 believes there's additional work that could and should be

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1 done in developing the information concerning isotopes of
2 concern relative to what other isotopes there may be and
3 also the activities involved.

4 Chris Ryder in Research is doing some risk
5 assessment for sealed sources and he's beginning with
6 cesium 137. I haven't asked him to present any
7 information at this meeting, but I'm sure he'd be glad to
8 discuss what his plans are.

9 At the March meeting, Joel Lubenau announced
10 that he would be taking a job with Commissioner Dicus and
11 that John Lubinski would replace him.

12 At that same meeting we asked a representative
13 of a Waste Compact of the Northwest Compact about the
14 possibility of compacts being involved in the issue of
15 dealing with orphan devices. We didn't get much help,
16 just that they were open to discussion. I know in Texas
17 our Low Level Waste Authority doesn't have a lot of
18 interest in doing something like that at this point, and
19 it's early in the process I think.

20 The next meeting was here in April in
21 Washington, and at that meeting or until that point we had
22 been discussing and debating compatibility issues.
23 Division I level of compatibility was still an issue and
24 as a group had differing opinions about whether it should
25 be Division I or Division II. At that point we had had

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1 input from states from the March meeting that indicated at
2 least we believed that most states were opposed to
3 Division I level of compatibility, that Division II should
4 be the way to go.

5 At the end of the April meeting, that
6 difference of opinion was highlighted and so we dealt with
7 other issues and then later on conducted a conference call
8 after the meeting where we resolved the issue by deciding
9 to go with the Division II compatibility level as a
10 recommendation.

11 We felt that we needed to get more state
12 involvement. So we asked and were invited to do a poster
13 session at the CRCPD meeting in Albuquerque May 6th
14 through 8th, and John Lubinski and I conducted that poster
15 session and tried to respond to questions. We also passed
16 out a survey questionnaire to voting members and any other
17 interested parties in an effort to obtain additional
18 information about states and vendors' thoughts on these
19 issues.

20 At the end of the CRCPD meeting, we conducted
21 another working group session where we developed a draft
22 of our recommendations and agreed that at the end of that
23 meeting, we would conduct future conference calls to
24 finalize the recommendations and forward them.

25 Early in the process of forming the working

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1 group and after it was formed, Joel Lubenau spent a lot of
2 time and effort in developing a list of stakeholders. I'm
3 not sure how long the list is now. I think there must be
4 a couple of hundred names on it.

5 SPEAKER: It's about 250.

6 MR. FREE: 250, and they include Agreement
7 States, specific and general license users, vendors, metal
8 recyclers, metal manufacturers. Our recommendations here
9 indicate that no representatives from the insurance
10 industry attended, but that's incorrect. There was a
11 member present at that first meeting, but I don't remember
12 hearing him say anything.

13 The idea was that by involving insurance, we
14 could get some feel for possibilities in terms of dealing
15 with the disposal of these devices or contamination
16 problems that may result from breaching the sources.

17 DOE and EPA were involved. There was a DOE
18 representative at the January public workshop, and his
19 input was that DOE did have some responsibilities,
20 emergency response type capabilities in conjunction with
21 EPA to handle emergency situations involving radioactive
22 devices. At this point, my only clear understanding is
23 that DOE is not interested in getting involved in anything
24 greater than Class C waste. I know that's not the way
25 they operate because I know of some cases where they were

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1 involved in other incidents.

2 One of the recommendations that is included
3 here for discussion is that NRC work with DOE and EPA to
4 clarify their responsibilities regarding those issues.

5 And as I mentioned, we involved one Waste
6 Compact and the general public as well was invited to
7 attend all of the meetings, and there were a couple of
8 contact names for organizations from the general public to
9 attend.

10 We attempted to involve other international
11 organizations. There was one NRC liaison to the IAEA that
12 was mentioned and received information although he didn't
13 attend the meetings.

14 Some of the results from the latest survey
15 that I sent out are included in the recommendations. I
16 don't claim any professional experience in developing
17 survey questionnaires, but the idea was that the working
18 group would benefit from any responses that we got from
19 the states and I appreciate all the responses that we did
20 receive and were able to use in developing these
21 recommendations.

22 MS. ALDRICH: I do have some overheads. I'll
23 keep this brief because I did discuss this yesterday.

24 As Commissioner Dicus said, dissenting
25 opinions can be useful. So I have a dissenting opinion on

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1 some of the major recommendations. I sent out a copy of
2 those comments to everyone. If you haven't had a chance
3 to read it, maybe you will after the meeting. That
4 contains details on how we are approaching this in New
5 York right now.

6 Our current regulations for generally licensed
7 devices include registration. They always have. So the
8 GL users have always been registered. One problem though
9 is that because fees weren't charged, there was sort of a
10 second level concern and those records are paper and they
11 weren't on computer. So they're not terribly useful. So
12 I'm having one of my staff enter all of that into the
13 computer program. I think what we might find in the end
14 is that almost all of our registrants are also our
15 licensees, but I really can't say at this point.

16 The way that we approach this, this was my
17 perception going into the working group, that the current
18 general license concept didn't really work because it
19 tried to cover sources of vastly different hazard under
20 one group of requirements. As a consequence, we all know
21 that we're really not regulating the vast majority of the
22 sources that are included in that device GL.

23 Therefore, it seemed that the best approach
24 and I've heard a lot of states say this over the years,
25 would be to break the group up and to exempt the sources

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1 that we consider to be truly trivial, not worth
2 regulating, and to take the resources that we would save
3 and use that to increase regulations of the things that we
4 consider to be hazardous, and one of the recommendations
5 of the working group is to define a class of sources that
6 we would, you know, consider sources of concern. So as a
7 starting point I suggested that kind of an approach.

8 Of course, this isn't anything new. Joel
9 produced this memo from his files at one of the working
10 group meetings. It's a 1991 internal memo from him to I
11 forget who, but at any rate, as you can see, it's 15 years
12 old and it says that the states would like NRC to re-
13 evaluate the GL device distribution licensing concept and
14 seriously consider rescinding the GL concept of licensing
15 gauges. And, it seems to me that after several meetings
16 that I've attended over the years, the CRCPL or the OAS,
17 that was one of the recommendations made to NRC. So it's
18 not a new issue.

19 Apparently though it didn't really become a
20 focus of regulatory action with NRC until the mill melts
21 started, and that's certainly of concern to us in New York
22 since we have on of the unluckier mills in the country
23 that's had two sources melted and a third one at another
24 mill that it bought Illinois.

25 Our concept though is that if you have a

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1 problem with a class of specific licensees, you can
2 address that problem because you have the vehicle to do
3 it. You have a license. The license has to be issued
4 before you can get sources. It has to be amended if the
5 person responsible for those sources goes away. It's
6 periodically reviewed. So you have periodic contact with
7 the company. You get proper control over disposal of
8 sources if you do periodic inspections. So that's another
9 consideration.

10 Also before you close a license out, you're
11 going to make sure that those sources were properly
12 disposed of, and none of these concepts apply to GL. As I
13 understand it, very few states actually register the GLs.
14 NRC does not register the GLs. So the only contact in the
15 past that the GL user has had with the regulatory agency
16 in many parts of the country has been essentially through
17 the vendor. You know the vendors become the regulator,
18 and they've done a very good job of it it seems. They
19 transmit information to the purchaser, you know, of I
20 assume ultimate disposal and they do, you know, submit
21 quarterly reports to us. When they know that a GL has
22 been transferred from one company to another illegally as
23 happens all the time, they let us know that, and that's
24 another aspect of the GL problem that the end user has so
25 little knowledge or real feel for what regulatory

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1 requirements apply. You know, a branch of the company in
2 Minnesota thinks nothing of shipping this object that they
3 own, you know, on sort of a sublineal level will think of
4 as radioactive to a branch in New York, and we have that
5 happen all the time. You know, it just gets transferred
6 and then you go back and tell them that they weren't
7 allowed to do that, but basically the problem has been
8 ours. That's about the level of regulation we've been
9 doing. So that's the way the users have really responded
10 by not complying very well with any of the statutory
11 requirements for the GLs.

12 Also there's a basic inequity that's been
13 going on here because we have specifically licensed gauges
14 that are terribly different from the GLs and they have
15 been subject to all code requirements. They have to
16 submit license applications. They pay fees. They have to
17 renew licenses at specified intervals and are supposed to
18 be inspected on a regular basis. In New York they are
19 inspected every three years which you may consider
20 overkill, but it's resulted in what we think is very good
21 control. We only lost track of two sources, one company,
22 that we know of, that simply went quietly out of business
23 without ever declaring bankruptcy and did not get in touch
24 with us.

25 The inspections we think are an essential part

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1 of control, whether you have an annual contact with the
2 licensee or do it another way, inspection by mail or some
3 other mechanism, that's up to the state and its resources.
4 And as the last sentence says, these inequities persist
5 even though some of the sources distributed is GLs or are
6 often identical except for a label designation.

7 At the meeting, it was stated by NRC that they
8 had no continece that the specifically licensed sources
9 were adequately controlled and they based this on two
10 observations, that since they didn't inspected their SL
11 gauge licensees, they had no knowledge of a confidence in
12 their performance, and number two, subidentifiably
13 specific sources had turned up in scrap and this meant
14 that they were no better controlled than the GLs.

15 Our experience is that the licensees performed
16 as well as any other SL licensee, the SL with fixed
17 gauges, as long as the same degree of regulatory oversight
18 is exercised. Although some SL sources have been found in
19 scrap, they don't get there for the same reasons. In New
20 York, they get stolen occasionally. I think every state
21 has a couple of those incidents a year plus the occasional
22 run over gauge as Dr. Paperiello mentioned. But the
23 reasons for their getting into the scrap stream are
24 different from GLs getting into the scrap stream, and the
25 solution has to be different and the first objection I

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1 have is that the proposed fix in applying to all sealed
2 sources, whether they're specifically licensed or
3 generally licensed is not justified, and if you think
4 about it, it's going to result in an enormous workload for
5 the states because the working group report on that, the
6 recommendation is that the Agreement State must verify
7 that all transfers by their users are in accordance with
8 their regulations and license conditions, must compare
9 annual inventories reported by their users. Again,
10 remember now we're talking about the whole population of
11 sealed source licenses including your moisture density
12 gauges. Against previous inventories on an annual basis
13 and against transfer records from vendors on an annual
14 basis, resolve any discrepancies in that information from
15 year to year and then acknowledge to their licensees that
16 the transfers and inventories have been reviewed, that
17 that's a lot of effort and I can see no justification for
18 that for specific licensees. We don't have a problem with
19 them.

20 So that's one major objection, that the scope
21 of the recommendations in going from what I consider to be
22 the problem with the GLs to all of the population of the
23 SLs is turning this into something that is a very large
24 undertaking, and we couldn't justify if we tried to go to
25 a rulemaking on this, it would be shot down because we'd

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1 be asked to justify the need and we couldn't.

2 So our primary concern was how we were using
3 our resources. We decided we were over-regulating the
4 specifically licensed sources. We were under-regulating
5 the GLs, and that we would like a level playing field and
6 there was virtually no difference between them. So why
7 don't we regulate them the same way. So what we're
8 proposing is really a resource shift. We would consider
9 this to be a business process re-engineering in the New
10 York State program. To require a licensee or an applicant
11 or someone who wants to get a source to make a commitment
12 before they get it, that they will exercise some adequate
13 oversight over the sources, that they will designate
14 somebody to be the responsible party and we would use the
15 RSO, the terminology we've always used instead of
16 inventing a new phrase. Radiologically responsible person
17 is the recommended phrase in the report. Require
18 licensees to maintain good records of receipt and disposal
19 and of current source inventory; require prompt
20 notification to the department of loss of control over a
21 source; conduct regular inspections, reinforce these
22 requirements; and regular license renewals to reinforce
23 licensee commitments and also to make sure you get notice
24 of any changes that have occurred.

25 Last one please. So we've begun a regulatory

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1 initiative to create equity between the two different
2 classes of licenses to improve our control over the GLs
3 and conserve our resources. The creating of a subset of
4 GLs that would require specific licenses is very similar
5 to the concept in our working group report. We just
6 favored a simpler cut point of one millicurie for all of
7 the sources rather than the varying levels based on the
8 Appendix C.

9 The inclusion of all of the sources apparently
10 fits in with the strategic reassessment that NRC is doing
11 in the section on materials medical oversight. It talks
12 about the option, re-evaluation of licensees currently
13 licensed by the GL provisions, and also those who are
14 currently exempt from regulation, and under regulatory
15 changes says to the transfer some of the current specific
16 licensees to general licenses or to some other category
17 that warrants minimal regulatory oversight would not
18 require legislative changes and goes on to talk about the
19 fact that this could be done by amending Part 31.

20 I think we really want to think about that
21 concept instead of what I think the states have always
22 favored which is to go from the GL to the SL for the
23 subset of sources that are of concern to us. Instead we
24 seem to be talking about going the opposite direction and
25 while this may save resources, I think that looking at the

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1 way that we're thinking of approaching it will save the
2 same amount of resources but will give us increased
3 regulatory control, or guaranteeing that our license
4 turnaround on a 10 day time frame and with NRC's new
5 business process re-engineering center, I'm sure that they
6 could do the same thing. The application form is in the
7 material that I sent out to you along with licensing
8 policy and a mini inspection form because we do onsite
9 inspections, but it's a very brief inspection form.

10 We've also made up day glow red stickers about
11 the size of a dollar bill with the, you know, crack peel
12 on the back, self-sticking, that we're distributing to all
13 licensees for use on sources or devices that they put into
14 storage. Some licensees decided they're going to put them
15 on all their gauges because they make it very visible.

16 So our approach is to assist the licensees in
17 enhancing their program. I don't think you can do that if
18 you start to defer to something that doesn't include prior
19 contact with someone who wants to acquire a source of
20 significant hazard and doesn't include some regular
21 renewal of a license vehicle so that you maintain contact
22 with them and always have current and up-to-date
23 information on them.

24 The last thing I'd like to say is that I would
25 like to think that the comments will accompany the report

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1 wherever it goes, but I know that that's up to NRC.

2 FACILITATOR CAMERON: Thank you very much.

3 Can we go for questions or -- okay. First question on the
4 report for the panelists or comment

5 GOVERNOR GODWIN: I must say in looking at the
6 report, I was a little disappointed that when the report
7 itself didn't recommend phrasing out the GL provisions for
8 the largest sources and that's a critical weakness to the
9 report.

10 Secondly, it didn't address the mobile and
11 portable operations that are now occurring. Those in my
12 opinion are violations of the concept of the current
13 general license that is going on, the idea of attaching a
14 GL gauge on a barge and hauling it all over the country or
15 internationally without any further regulatory oversight
16 just boggles my mind that somebody didn't think that was
17 worth looking at.

18 These have been problems; you know, the states
19 have been tooting this horn for years. I don't know what
20 we're going to have to do to. It's cost several million
21 dollars in smelted sources to get the attention of the
22 people that it's a problem. You'd have an \$8 million a
23 year savings up there to the industry. It seems to me
24 like you could invest a little bit of time into making
25 inspections. I would think that that would probably be a

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1 better investment of funds than some of the things that
2 are being proposed to switch more things to GLs. I think
3 overall you get a better return of public funds on your
4 money if you're trying to save strictly the tax portion,
5 and I would just urge your committee to take another look
6 at that section and look at the report and reconsider it.

7 FACILITATOR CAMERON: Thank you, Aubrey. Any
8 further -- Kathy.

9 MS. ALLEN: (Inaudible audience comment from
10 unmiked position).

11 MR. LUBINSKI: Okay. You can submit comments
12 to the report. I will leave myself and Bob as the two
13 contacts since we were the work group Co-Chairs, and we
14 will make sure that they get submitted in the process.
15 However, to comment here, as I said, the work group report
16 will be forwarded to the Commission with some type of
17 cover document. The expectation is some action will be
18 take place with respect to the report. So if comments
19 come at a later date or you decide to hold comments until
20 you find what those actions were, there may be a different
21 place to submit those comments to, but we will take them
22 at this time and forward them to the appropriate people in
23 the process.

24 MS. ALLEN: (Inaudible audience comment from
25 unmiked position).

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1 MR. LUBINSKI: The current schedule is the
2 beginning of October, a couple of weeks.

3 MS. ALLEN: (Inaudible audience comment from
4 unmiked position).

5 MR. LUBINSKI: Let me just make a statement to
6 that. Some of the stakeholders involved in the meetings
7 did bring that up as a proposal. It was discussed by the
8 group as well as some information from people involved in
9 the meetings. Most of the input was from the licensees in
10 the process and their experiences in this area. That was
11 one of the reasons we tried to get insurance companies
12 involved looking at the financial insurance aspect as
13 well. The overall conclusion at that point is the method
14 that would be needed to require financial assurance for
15 these classes of devices did not appear at that time to
16 outweigh the benefits. Having to go through a financial
17 assurance instrument instead would have the effect of
18 possibly stifling the industry without providing a lot of
19 benefit. The quoted cases for that were as I said earlier
20 leasing of devices where the only cost they know is the
21 cost of the device and that statement was made that that
22 hasn't worked already so we don't see a reason for that.

23 But that was brought up as a comment and we
24 did look at that through the process, and I think it is
25 highlighted in some of the meeting minutes that we had

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1 talking about the work group activities.

2 FACILITATOR CAMERON: Okay. Bruce.

3 MR. SZANAS: Yeah. One of the things in the
4 report on the statement of the problems was inadequate
5 regulatory oversight. Sort of connected with that is some
6 training that needs to be done for the regulators, not
7 just the state, but at the federal level because of the
8 transboundary issue. When a general licensee from a non-
9 Agreement State is illegally transferring a generally
10 licensed device to an Agreement State, first of all, the
11 regions don't even know who their general licensees are.
12 Second of all, they don't even know that that's a problem
13 that there's another license that's being issued.

14 So there's a lot of training that needs to be
15 involved up front with this current system and that will
16 have to be carried forward with whatever system we evolve
17 into.

18 On the compatibility, on some of these issues
19 it should be more that the working group should really
20 state more performance goals and not prescriptive
21 solutions if there's going to be compatibility at issue
22 because there's lots of ways to get levels of control, and
23 I know that with the new IMPEP process it's not as big a
24 deal, but we still have to keep it in mind.

25 MR. LUBINSKI: Yeah. You've hit two points

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1 there and let me address the first one that picks up on
2 Aubrey's comment earlier.

3 One of the statements I made in presentation
4 was early warning signs, and one of the things that's
5 cited in the report and I didn't go into detail as far as
6 constraints of the registration system, and I'm calling
7 them constraints at this point because we're really
8 talking about the bounds, is that licensees would report
9 transfers to us. I totally agree with what you said,
10 Bruce, that if you look at some of the NRC and Agreement
11 State personnel at this time and ask them questions when
12 they get a general licensee calling, they may not be able
13 to answer the question whether or not the transfer was
14 authorized or not.

15 However, as part of our system, what we're
16 recommending is that when that transfer occurs the
17 information is reported that that has occurred, who it has
18 gone to so that we can do a check to make sure that there
19 is an appropriate transfer in place. Therefore, if
20 someone were to take a gauge out of Pennsylvania and
21 transfer it to Illinois, the report would come into the
22 regulatory body and we would say, hey, there's a problem
23 here. We need to address it at this point.

24 With the current system they are required to
25 do some reporting, but there is no follow up on those

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1 reports in this area or a limited amount of follow up I
2 should say. So that would take care of the first part of
3 your question there.

4 As far as the, and again I'm using the term
5 loosely, constraints, we tried to in the recommendation
6 put an outer bounds on what we would consider increased
7 regulatory oversight. We actually felt the most
8 prescriptive part was just the word annual, that we're
9 requiring the contact to be annual. The form of the
10 contact we were trying to leave as open as possible and
11 felt that that was definitely necessary if we're dealing
12 with a compatibility II program. As Bob said earlier, the
13 original recommendation from the stakeholders came in that
14 no program would work unless its compatibility won, and
15 that's strongly what the licensees asked for in this
16 process, and we had to back off and say that we don't feel
17 that that's appropriate. With that we said let states
18 decide what is the best way of doing this.

19 The comment Rita made earlier I think is the
20 fact that many of the quote people that are in the
21 registration system, they all have specific licenses
22 already. Other states have said that to me, if you look,
23 they have general and specific license devices. They
24 could decide at that point, well, we're just going to
25 implement your recommendations or the recommendations of

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1 this report. We're just going to convert all those people
2 over to specific licensees and handle them as such and
3 we'll do all the reporting under that specific license.

4 So that freedom is there. However we did
5 feel that the annual contact and leaving it as that
6 definition, annual contact, is important because if you
7 wait two to three years to talk to some of these people,
8 process lines change, downsizing changes, that cause these
9 devices to get out of your hands, and the person who is in
10 the position may get promoted and may be in another area,
11 and the fact that they have the responsibility for this
12 device may not be transmitted to the next person.

13 So we feel that definitely the annual contact
14 was needed. Most of the licensees I believe were
15 suggesting a six month contact instead of an annual
16 contact. They wanted to be even more strict. Now what
17 that said to the majority of the licensees involved in the
18 meetings were vendors, not users. There were some users
19 and the limited amount of users that were there actually
20 agreed with that as well.

21 FACILITATOR CAMERON: Larry, did you have a
22 clarification you wanted to make.

23 MR. CAMPER: Two comments about the Commission
24 paper. The first is with regard to Rita's dissenting
25 opinion. That is addressed in the Commission paper and

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1 that will be included as an attachment to the Commission
2 paper.

3 The second thing is in looking at this, we
4 originally were going to try to develop a very brief
5 Commission paper that would merely transmit the working
6 group's findings, perhaps limited comments or
7 recommendations perhaps about the working group's outcome.

8 But as we began to look at this issue, as you
9 all know, this issue has a very long and complicated
10 history, and one of the things we decided to do was to add
11 to the Commission paper a chronology, a lengthy chronology
12 of events. Then as we did that, we felt that in view of
13 the fact there's a new Commission today, that may not have
14 an extensive familiarity with some of these issues, like
15 the long term historical basis, we decided to embellish
16 the chronology by describing not only what took place but
17 also what actions resulted from it in terms of either
18 staff initiatives or Commission directives and so forth.

19 There has been much interface with the
20 Commission over the years about this particular issue. We
21 have briefed the Commission. They have provided us with
22 certain directions and so forth. So we lay all of this
23 out in detail in the chronology.

24 Well, then in looking at that, I asked John to
25 go back and do something which we have done or planned to

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1 do in the paper and that is not only what was a
2 chronology, but there were starts and stops along the way.
3 There were directions provided to the staff by the
4 Commission that we completed in varying degrees. There
5 were resource constraints. One of John's slides alluded
6 to that. So what we also tried to do is summarize for the
7 Commission in this paper what have been asked to do? What
8 have we done? If we haven't done something, why haven't
9 we done it? That type of thing.

10 So the Commission paper and the transmittal of
11 the working group report will provide an opportunity for
12 the Commission to take a fresh look at this issue and
13 evaluate it from a policy perspective and that's why our
14 time line is currently in the early part of October to get
15 the Commission paper upstairs. So it is really not just
16 transmitting the working group report.

17 FACILITATOR CAMERON: Thank you, Larry. Let's
18 have one last comment from Ken.

19 MR. WANGLER: I guess I tend to find a lot of
20 common sense in Rita's comments, and I'm somewhat
21 concerned that the problem here seems to be with general
22 licenses, not specific licenses, and that the problem that
23 NRC has with specific licenses is that they haven't been
24 doing the inspection job. That's the way I understand it.

25 With that in mind, I don't know why we want to

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1 move away from the specific license area when we should be
2 moving towards it, and instead of making regulations to
3 fix problems that occurred because we weren't doing our
4 jobs in the first place, let's do the things that we're
5 supposed to do. I don't know that the problem is with
6 specific licenses, and we do inspect our specific
7 licenses, and I don't think we have that much of an
8 uncontrolled problem with them.

9 We also license gauges specifically that are
10 allowed to be generally licensed because we don't feel
11 that general licensing is proper for most of those gauges.
12 So it's with the bigger sources. So we specifically
13 license them and then we inspect them as we're supposed to
14 inspect them, and if you start going to annual reporting
15 or, you know, additional tracking and then correspondence
16 back and forth, if you don't have the time now to commit
17 to do the inspections that we're supposed to be doing, why
18 do we think that we have time to do these other things,
19 this annual tracking, reporting, et cetera, et cetera. I
20 don't think that if we haven't been doing the job that
21 we're supposed to be doing that we can necessarily say
22 that that's a bad system, we need to change it. That's my
23 comment.

24 FACILITATOR CAMERON: Okay. Bob, do you have
25 a quick reply on that one?

1 MR. FREE: Yes. My involvement in the working
2 group was primarily because of my duties involving
3 incident response in Texas, and I just reviewed some of
4 our data for the last two and a half years, and we had 16
5 incidents that occurred in that time period where we
6 responded to steel mills or scrap yards and either
7 recovered sources or assisted them with the problem, and I
8 don't have the exact numbers, but perhaps anywhere from a
9 third to a half of those were byproduct material and half
10 of that again were specific licenses, and the reasons are
11 buried.

12 There are a lot of reasons. Bankruptcy can be
13 a contributing factor. Just remodeling a plant can be a
14 factor there. Part of the idea behind the recommendations
15 was to heighten awareness on the part of users and
16 regulators so that there's greater attention paid to this
17 particular problem and in hopes that they'll be able to
18 account for these devices better and have fewer losses.

19 So to address that part of your comment, I
20 think that specific licenses or devices that are specific
21 license are a problem. The way any particular state
22 handles their inspection or enforcement I think is up to
23 that state, but I think there needs to be a heightened
24 awareness and increased contact. We identified early on
25 that increased contact would be a definite component in

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1 controlling these devices.

2 MR. WANGLER: You could say that about every
3 source, and it looks to me like we're going to get another
4 prescriptive regulation here that's kind of crammed down
5 our throats that I'm not sure we need. Those specific
6 licenses or the devices that came out of specific
7 licenses, have the regulatory agency done their part in
8 inspecting those when they were supposed to? And I'm sure
9 those numbers are hard to find. It's difficult to find
10 that information out, but Rita started her talk yesterday
11 about saying the NRC had real concerns about specific
12 licenses because they weren't doing the inspections they
13 were supposed to.

14 MR. FREE: Well, a recent incident in New York
15 occurred at a landfill where a truck containing 100
16 millicurie of cesium sources was discovered. It turns out
17 the source was manufactured in Texas and belonged to a
18 tool of a company that manufactured it in Oklahoma. I'm
19 pretty certain, I haven't developed all the information on
20 this yet, but that was a specifically licensed device used
21 in the well logging industry.

22 FACILITATOR CAMERON: Okay. I think we really
23 need to wrap this up because we're way behind schedule
24 now. I think that all the appropriate points have been
25 made here and as it was pointed out, there will be

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1 comments on this. So I would like to thank the panel for
2 a in depth presentation and I have some good news and some
3 bad news for you. The good news is because we're so far
4 behind, the tour of the OGC Library will be canceled, and
5 the good news or the bad news rather is that we're also
6 canceling the other tours. I know you need a break, but
7 let's be back in 10 minutes, okay, and we'll get started
8 with the low level waste panel.

9 (Whereupon, the foregoing matter went off the
10 record at 11:30 a.m. and went back on the
11 record at 11:45 a.m.)

12 FACILITATOR CAMERON: Okay. Our last panel of
13 the meeting is going to start and it's on low level waste,
14 and there are some materials being passed out now. John
15 Greeves who is the Deputy Director of the Office of
16 Nuclear Material Safety and Safeguards is going to be our
17 first panelist and he's going to talk about the Nuclear
18 Waste Convention.

19 John, are you all set? Ready.

20 MR. GREEVES: Yeah.

21 FACILITATOR CAMERON: Okay.

22 MR. GREEVES: Is this thing working?

23 FACILITATOR CAMERON: Yeah.

24 MR. GREEVES: Okay. Well, good. Good to see
25 everybody this morning. It looks like you're a little

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1 worn out. What did you do to them in the previous couple
2 of sessions here?

3 FACILITATOR CAMERON: We softened their way
4 around, believe me.

5 MR. GREEVES: Uh-huh. Okay. What I wanted to
6 do in this session is to give you a little bit of an
7 update on the Radioactive Waste Convention. Are the slide
8 materials being passed around? Do people have copies of
9 them? I hope there's enough. Okay. It'll give you
10 something to write on.

11 What I want to do is, if you could just put up
12 the second slide there, give you some background of the
13 Radioactive Waste Convention. This is essentially an
14 update. We did give you a little bit of information at
15 the Chicago meeting which I think was a year ago. So we
16 wanted to bring you back up to date.

17 What this is is a convention that the U.S.
18 Government is working on with about 45 other countries to
19 develop this convention on radioactive waste management.
20 These conventions are international instruments. They
21 essentially are like a treaty. If and when they are
22 ratified by the Senate, they have the force of law. This
23 particular convention, the Radioactive Waste Convention,
24 is a follow up to a conviction on nuclear safety. Some of
25 you may be familiar with that one.

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1 That convention, the U.S. worked on that, the
2 NRC took a lead role in that process and we signed that
3 convention in '94. The process then calls for it to be
4 ratified by the Senate. The Senate has not ratified the
5 Nuclear Safety Convention which covers all the reactor
6 type activities. It's focus was on nuclear reactors.

7 It turns out that the way these conventions
8 work, once a certain number of parties sign on to them,
9 then they go into force. For example, for the Nuclear
10 Safety Convention it required 17 parties had nuclear
11 reactors on their soil to sign up. Once that happened,
12 then it triggered the mechanism to go in force. It turns
13 out that did happen recently. Again, the Senate has not
14 confirmed this for the United States. So this convention
15 is moving along without the United States.

16 There is a follow up implementation meeting
17 which is an important meeting. That's where a lot of the
18 issues that people talk about that haven't been totally
19 resolved will be worked out, and it's important for
20 governments to participate in those. So there's some
21 concern on our part that the U.S. has not ratified that
22 convention. So we will not have significant input on the
23 follow up. I give you this a little bit of background
24 on how these conventions work.

25 On the next page, page 3. in terms of the

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1 objectives of the Radioactive Waste Convention, there are
2 things that, you know, we're all familiar with, promoting
3 safe waste management worldwide. The IAEA is a lead
4 agency in this process, and there's a number of safety
5 standards that they put out. So this convention tends to
6 be consistent with a number of those documents, one of
7 which we refer to as the Safety Fundamentals Document for
8 Waste Management which was approved by the IAEA a little
9 over a year ago.

10 They're also intended to promote international
11 cooperation. When we go to these meetings, typically
12 things come up like regional repositories. There's a
13 number of countries around the world that obviously their
14 real estate is too small to justify a geologic or even a
15 local low level waste disposal facility. So this is
16 intended to promote regional cooperation.

17 Let me back up for a second. The players from
18 the U.S. on this are the Department of State. They lead
19 this delegation, and they go to every meeting. The
20 Department of Energy plays a major role. As we all know,
21 they've got the majority of the waste in this country.
22 Obviously, the NRC participates, and EPA has attended
23 several meetings. These are the key participants from the
24 United States Government.

25 The third objective you see on this chart is

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1 the promotion of a safety culture. The international
2 community has things like Chernobyl on their mind, the
3 Gortyna event a number of years ago leave an indelible
4 mark on people's minds. I understand four people died
5 associated with that event. Twenty some people were
6 hospitalized, and each meeting I go to you can see
7 symptoms of that growing in people's comments on
8 something. I'll talk about the sealed source issue in a
9 later slide.

10 These conventions are referred to as incentive
11 conventions. They're intended to have the participants do
12 the right thing. They effectively end up being a pure
13 review process. Once they're in place and there is a
14 implementing meeting conducted following that probably on
15 about a three year cycle, countries will come together and
16 go over their inventory and materials and report on how
17 they're complying with the particular convention.

18 The last item on this page is informing the
19 public. Essentially there would be a national report from
20 all these countries indicating where they are and for the
21 United States I would expect heavy input from the
22 Department of Energy in terms of the waste materials that
23 they have. The NRC obviously has a role to play here and
24 with that factoring in the Agreement State Program, and
25 EPA also has responsibilities for a number of waste

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1 activities. So I think that in about a three year cycle
2 these would be the key players in putting together such a
3 report.

4 The next page, as far as the general
5 principles of this particular convention, it identifies
6 the need to follow sound international practices,
7 obviously protect individuals and the environment, and I
8 think in large part our 10 C.F.R. Part 20, Part 61,
9 regulations like this are already consistent with these
10 types of principles. It identifies the importance of
11 preventing accidents, mitigating consequences, moving onto
12 consider future generations. Again, I think that the
13 regulations that we have in place and the Agreement States
14 adopt on, things like low level waste disposal and as far
15 as the federal sector, the high level waste program, put
16 us in a good position of honoring the principles of this
17 draft convention.

18 It talks about taking into account
19 international recommendations, again referring to things
20 like ICRP recommendations, so that they are part of this
21 particular document.

22 The ultimate responsibility is clearly laid on
23 the member state to get these principles implemented, and
24 again, I think in this country it's consistent with what
25 we've done with the Atomic Energy Act, some of our other

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1 acts, like the Uranium Mill Tailings Control Act. I think
2 that will put us in a strong position to demonstrate what
3 we're doing. The others, the Low Level Waste Act and the
4 Nuclear Waste Policy Act covering high level wastes.

5 So far we have not identified any legal
6 obstacles and that's something we're on the lookout for
7 constantly to make sure that whatever ends up in here
8 doesn't end up being a legal obstacle for us. As these
9 meetings occur, the general counsel joins us in these
10 meetings and we are looking into that.

11 Page 5, as far as the scope of what this
12 convention covers, it is intended to cover all waste
13 management activities. Well, you quickly get the
14 question, is my hospital going to have to do a report?
15 Our answer, you know, our input to this process is no. We
16 are constantly identifying that this is intended for the
17 major facilities, disposal areas, the major waste
18 treatment facilities would be covered, but our intention
19 as far as input to this process, things like hospitals,
20 small users, would not be part of the reporting process.
21 We're not finished yet, but that's the line we've been
22 holding.

23 The convention does include reprocessing
24 plants. This is a big issue on the table in the
25 convention and tied with the next item, spent fuel. This

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1 is an issue that has not been resolved. There's a number
2 of participants in this process who want spent fuel
3 covered right up to the doors of the reprocessing
4 facilities, and there are others who are still arguing on
5 that issue. So this is one of the principal issues that
6 will be addressed at the next meeting.

7 NARM is in the document. However, it's
8 identified in a way that it's elective for a member state
9 to cover NARM, and I don't think watching the participants
10 in this process, there's a number of countries who do not
11 want to have NARM show up which is a requirement they
12 don't want to be required to have regulations on these
13 beach sands that they have that are high activity in some
14 of these countries.

15 Another issue that is not resolved is the
16 military waste issue. You've got five countries
17 participating in this that are nuclear weapon states, and
18 they're divided over this issue in terms of how far and to
19 what extent to cover military waste. Again, this is
20 another one of the topics that we will be addressing at
21 the next meeting and hope to come to a consensus on.

22 The last item on this page is transboundary
23 movement of radioactive waste. This is intended to cover
24 transport, shipment from country to country. It's clear
25 that there is a consensus that the country or origin,

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1 country of transit, and the country of destination have to
2 be in the loop in terms of transporting radioactive
3 material. There is some debate about how much of this to
4 put in the convention. The U.S. has signed up to the IAEA
5 principles on transboundary movement. We signed up and we
6 honor those principles in our regulations. However, other
7 countries point out those are non-binding principles. So
8 there's a question about how much and is this going to be
9 put in here as a hard law. So that's a debate that's
10 going on and will be addressed in the next meeting.

11 Okay. Page 6, we have coordinated and in fact
12 sent out with the help of the Office of State Programs
13 previous drafts of this convention. The E-5 Committee on
14 CRCPD has been very helpful, and we're quite pleased with
15 Paul Merges' participation in this process. Once we did
16 send these things out, we did get some quick response.
17 We've got four sets of comments. The comments overlap a
18 little bit. In fact, they're comments we've been making
19 at these meetings, but it's helpful to hear from the state
20 representatives, and it helps give us additional arguments
21 on this front.

22 So just to identify some of the themes from
23 these comments that we did receive, again the reporting
24 burden is I think virtually on all four sets of these
25 comments, the minds of people and as I have identified,

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1 the U.S. delegation is trying to make sure that burden is
2 limited, and we would look towards identifying the
3 location of a major facility, list the inventory, the
4 volume and activity associated with it and the spectrum of
5 radionuclides involved. So we think that there's a
6 reasonable consensus to hold the reporting burden to that
7 level of detail.

8 As far as number of the comments, we're
9 concerned about reporting on past practices. Again, we
10 think it's reasonable to report on some of the past
11 practices. Obviously the Mill Tailings Program, I think
12 this country has a good story to tell on how it's managing
13 some of the past practices on control of mill tailings.
14 We have heard a lot today and past meetings about the Site
15 Decommissioning Management Plan. We see that that would
16 be something that would be fairly efficient for us to
17 report on.

18 The next item is sealed sources. In the
19 international community, they prefer to call this disused
20 sources, and that's the language you'll see in the
21 convention. Again, they are focusing on the Gortyna type
22 event. They want to make sure that these sealed sources
23 somehow come under control. Some of the comments we got
24 from the Agreement States and some of the things that we
25 were concerned about is once these things leave the U.S.,

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1 go to another country, what's the mechanism for them to
2 come back or even come back at all? We've consistently
3 stated that we don't want it to be our responsibility to
4 take those things back and dispose of them. However,
5 there has been arguing over this to the extent that they
6 don't want us to bar them coming back if there is a
7 supplier in the U.S. who is a legitimate recipient of this
8 and has the ability to dispose of them. So at the present
9 time the convention reads we would not bar sources coming
10 back to a supplier who was capable of handling them in a
11 reasonable manner in terms of disposal. However, we all
12 know a number of these suppliers that were around 10 years
13 ago don't exist now, and the U.S. Government doesn't want
14 to have the responsibility of taking back a used source
15 that's been used overseas somewhere for all these years,
16 and now we've got the disposal problem. So that is a
17 touchtone that we are trying to keep an eye on.

18 Again, the next item I think all four
19 commenters mentioned the unfunded mandate of what would
20 the Agreement States be responsible for on this process,
21 and we're looking for this to be what I call existing
22 information. I think that we could put together
23 information on the Barnwell Site for example of what's
24 there, what the location is, what the inventory is, in a
25 fairly efficient manner, not requiring people to go out

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1 and generate new information.

2 I've already talked about the NARM issue. A
3 number of the commenters said they would like for this to
4 be covered, recognize that the U.S. delegation doesn't
5 have control of this process. There are 45 countries
6 here, and you've heard me talk about some of these issues
7 that remain unresolved. We, you know, give our input on
8 significant issues and try and make sure that things don't
9 end up in here that are inconsistent with our regulations
10 to date, but again, we have comments on NARM from the
11 Agreement State representatives.

12 The last item on my list is decommissioning.
13 You've provided comments on this. Again, this was a theme
14 that the delegation had been carrying to the meeting. We
15 want to clarify what the role of decommissioning is. Some
16 countries don't want decommissioning of a nuclear power
17 plant included in the waste convention and from our
18 perspective, it's hard for us to understand, well, how
19 does it get covered if it's not in the waste convention?
20 Frankly, the Nuclear Safety Convention covers nuclear
21 power plants. It doesn't say much of anything about
22 decommissioning. So this is an area we too are concerned
23 about and appreciate the input we've had that will
24 reinforce the types of comments we take to this meeting.

25 So on the last page there is a meeting in

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1 November which the U.S. delegation will attend and address
2 some of these more significant issues. The ones that the
3 U.S. Government is having difficulty with is the spent
4 fuel issue, where's it covered, how far is it covered, the
5 military waste issue which DOE has a significant interest
6 in. Sealed sources is still a topic and as I said, we
7 will be providing input on that and also the
8 decommissioning one. We'd like that resolved so that it
9 is clear which elements of decommissioning we will be
10 covering and when.

11 The drafting process for this convention is
12 what I call behind schedule. Frankly, we had two meetings
13 ago what I thought was the consensus on the spent fuel
14 issue. Well, that consensus came unzipped. A couple of
15 the countries had another thought and came back to the
16 last meeting. So if we can make progress on the spent
17 fuel, maybe this '97 consensus draft will work, but I
18 think things like the spent fuel issue and the military
19 waste issue need to be addressed and solved in this next
20 meeting in order to meet these schedules for presenting
21 this material to the IAEA Secretary at Board in September
22 of '97.

23 I will be providing the next draft to Paul
24 Merges and the committee so that if they can get us some
25 additional comments on this. I just wanted to use these

1 slides to bring you up to date, let you know where we were
2 and take any comments, and we're going to make a practice,
3 as this thing plays out, of coming to meetings like this,
4 come to some other national conferences and make sure that
5 people have an understanding where this convention is and
6 how it's playing out. So with that.

7 FACILITATOR CAMERON: Thanks a lot, John.
8 Could we have the lights and also are there questions or
9 comments for John on the convention?

10 MR. WHATLEY: I've got one. I tried to listen
11 carefully and I didn't hear an answer to this one. What
12 is the position of the U.S. delegation on NARM?

13 MR. GREEVES: We have accepted the position
14 that it's elective by the country to include NARM in its
15 regulatory process or not include it. Is Bill Reamer in
16 the room? Bill's the OGC counsel. Bill, help me out if I
17 get this wrong. We are not debating the provision that's
18 in there now that says it's elective by the member state
19 as to what extent they cover NARM. That allows the U.S.
20 to do what it wants to do on NARM.

21 FACILITATOR CAMERON: Is that clear, Kirk, or
22 do you need some elaboration on that?

23 MR. WHATLEY: That's fine.

24 FACILITATOR CAMERON: Okay. Kevin.

25 MR. MCCARTHY: Kevin McCarthy, Connecticut.

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1 Speaking of --

2 MR. GREEVES: If we were to write something in
3 here or something ended up in here on NARM that was
4 inconsistent with the regulations that we have in this
5 country, I think then we would then maybe have to take
6 some action, but so far, Bill, this is not inconsistent
7 with what we have in the U.S. regulatory structure.

8 MR. REAMER: Right. The impact of the present
9 form would be to say the way we handle NARM --

10 FACILITATOR CAMERON: Okay. Kevin, why don't
11 you go ahead, and then we'll come back to if there's need
12 for further explanation.

13 MR. McCARTHY: Last week we responded to a
14 metal smelter. So this comment could have come out in
15 previous discussion also, and we responded. An alarm went
16 off, and it was indeed radioactive material that was NARM,
17 and it was imported aircraft components imported from
18 Israel in this case, and we've also responded to
19 situations where components were imported from England,
20 but this is a comment just to indicate to you that it was
21 NARM and it was imported. I don't know if the State
22 Department needs to get involved with the importation of
23 radioactive materials, but it's happening and it's
24 happening inadvertently and I believe frequently.

25 FACILITATOR CAMERON: Thank you, Kevin. Kirk,

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1 do you have anymore?

2 MR. WHATLEY: No.

3 FACILITATOR CAMERON: Other comments for John
4 on the convention.

5 Okay. Well, thank you very much, John.

6 MR. GREEVES: Good.

7 FACILITATOR CAMERON: And how we're going to
8 go to Henry Porter from South Carolina to talk about a
9 couple of issues, right?

10 MR. PORTER: Yes. I have some slides, and if
11 I could get someone to turn the slide projector on that
12 may be a little closer to it than I am.

13 I wanted to just give an update on some of the
14 recent changes in South Carolina with disposal of wastes
15 and also an update on our activities with adopting the
16 Uniform Manifest Rule.

17 Over the past couple of years, we've had
18 really three major changes that have affected the Barnwell
19 Site and disposal of wastes in the state. In July of '95,
20 we had two changes. The state law was amended by the
21 General Assembly allowing the Barnwell Site to remain
22 open, and then we also had some regulatory changes that
23 were added to our state regulation that required the use
24 of engineered structures. The implementation for these
25 regulatory changes was January of this year. And then

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1 just recently in June of this year, we added the
2 requirements of reuse of the NRC's Uniform Low Level Waste
3 Manifest to our regulations. The implementation date for
4 that is January of next year.

5 The state law changes allowed the Barnwell
6 Site to remain open until it reaches capacity. There's no
7 longer a date in the law for the Barnwell Site to close.
8 It allowed waste from all states to be sent to the site
9 with the exception of North Carolina. It established a
10 tax of \$235 per cubic foot on all wastes being disposed of
11 at the Barnwell Site with the funds from this tax going to
12 educational scholarships and school buildings. It
13 repealed the state's Southeast Compact legislation and
14 withdrew South Carolina from the Compact and established a
15 seven member compact negotiating committee to negotiate
16 either a new compact or to negotiate with an existing
17 compact for South Carolina to join.

18 Regulatory changes that went into effect the
19 first of this year required that all wastes be placed in
20 concrete vaults. The only thing that is exempted from
21 this is large structures that are inherently structurally
22 stable. They're not required to be placed in the vaults.
23 These would be things like steam generators from
24 decommissionings or replacements. It also required an
25 improved Leachate Monitoring system. This collects

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1 Leachate from under the waste instead of along the sides
2 of the trenches and should give a more representative
3 sample of what the Leachate is. Also multilayered low
4 permeability engineered caps are being required on all of
5 the new trenches.

6 Three different types of vaults were developed
7 by Chem Nuclear for use to meet the new regulatory
8 requirements. Rectangular vaults were developed for
9 disposing of drums and B-25 boxes. The cylindrical vaults
10 that had been developed in the late eighties for providing
11 the structural stability for the polyethylene high
12 integrity containers are now being used for other types of
13 liners and still being used for the high integrity
14 containers, and then an irradiated hardware vault was
15 developed for use of disposing of the irradiated hardware
16 liners.

17 The dimensions of the rectangular vaults are 9
18 feet by 10 feet 10 inches on the wall sides and then 10
19 feet 8 inches high with a nominal thickness of 8 inches.
20 These vaults hold four B-25 boxes, 36 - 55 gallon drums and
21 these particular vaults are used only in the Class A
22 trench for Class A wastes. This shows the structural
23 steel that's in the vaults. It's on the outside of the
24 inner form. The outer formers are being placed on the
25 vault for the rectangular vault here, and the concrete

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1 being poured, and this is the Class A waste or the Class A
2 trench that's currently being used at the site. You can
3 see the vaults. They're stacked three high in this
4 trench.

5 The cylindrical vaults are 100 inches in
6 diameter by 107 inches tall and also have a nominal
7 thickness of 8 inches. As I said before, they're designed
8 for the high integrity containers and they're used for
9 cylindrical liners and high integrity containers. This is
10 the only type of vault that's used in the Class B-C or
11 stable trench. So it's also used for some drummed wastes,
12 and it's used for all classes of waste disposal. This is
13 a picture of some of the cylindrical vaults after they
14 have been poured, and a picture of one of the Class B
15 trenches or stable trenches.

16 The final type of vault is the irradiated
17 hardware vault. The dimensions for it are 207 inches by
18 63 inches on the walls by 56 inches high, and also a 8
19 inch nominal thickness. These vaults are used primarily
20 for slit trench disposals and they were specifically
21 designed for the irradiated hardware liners, designed in
22 fact for the horizontal off loads of irradiated hardware
23 shipments. And this shows a picture of one of these
24 vaults, and this is how they're actually placed in the
25 trench. The metal form that you see is used to guide the

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1 lid onto the vault itself three or four feet above the
2 vault to provide some shielding as irradiated liners are
3 pulled into vault.

4 The Neo Leachate Monitoring System is used in
5 all of the new Class A or unstable trenches. It's
6 constructed using shallow trenches that are excavated into
7 the floor of the trench and collect Leachate from
8 approximately one percent of the floor area. This is a
9 picture of one of the trenches showing the Neo Leachate
10 Monitoring System. You can see it kind of spreads out
11 into the bottom of the trench.

12 These collection trenches are lined with
13 polyethylene liners, half round pipes basically that are
14 seam welded. The pipes lead back to line sumps and the
15 sumps are monitored by stand pipes.

16 They're also using a multi-layer trench cap on
17 all new trenches and that will ultimately be put on all of
18 the older trenches also. This is a diagram showing the
19 layers of the multi-layer cap. The lower layer on the cap
20 is the natural soil material that's been recompacted.
21 There's then a bentonite clay type material layer, a HDPE
22 layer, a sand drainage layer that's placed on top of the
23 HDPE and then the native top soils with short rooted
24 grasses form the vegetation layer.

25 There have been three phases of capping that

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1 have taken place at the Barnwell Site using this type of
2 cap. As I said, it will ultimately be placed over all of
3 the trenches at the site. The first phase was completed
4 in November of 1990 with subsequent phases completed in
5 December of '93 and July of '95. The total area that's
6 been capped is 51 acres, and this covers all of the pre-
7 part '61 trenches. The monies for doing these capping
8 projects came from the decommissioning trust account and
9 after approval of the design for the caps, there was also
10 an approval required from the governor to release the
11 money from the account.

12 This is the first of those phases. It's
13 raised a foot three inches or about three feet higher than
14 the existing topography of the site and has a nice
15 vegetation layer on it.

16 The regulatory changes that will go into
17 effect the first of next year or actually added to our
18 regulation this year include the use of the NRC's Uniform
19 Manifest, some additional reporting requirements for the
20 disposal site operator and a new I guess class of
21 licensees called waste collectors that are what used to be
22 brokers.

23 The Uniform Manifest, our regulation is
24 requiring that the actual use of the form is effective on
25 January 1st of next year. It'll be required for any waste

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1 shipment that's being made in South Carolina and this
2 includes waste shipments to the Barnwell Site, shipments
3 to processors in the state, and we're also talking with
4 DOE about using the Uniform Manifest for any waste
5 shipments that they ship to commercial processors. It's
6 currently being used by some generators for shipment to
7 the Barnwell Site.

8 Operator requirements. The operator is
9 required to use an electronic record keeping system. Chem
10 Nuclear is currently revising their computer system for
11 maintaining these records, and we're assisting them with
12 that. The Manifest information is required to be
13 electronically stored in the Manifest information, must be
14 reported to the Department monthly. They have been
15 reporting to the Department monthly. This will just be a
16 new system that will make it a little easier to do that.

17 Ultimately what Chem Nuclear hopes to have is
18 a system where the generators can provide the Manifest
19 information electronically to them so that they don't have
20 to re-enter all this data from the hard copies of the
21 Manifest.

22 And the final thing is the new licensee class
23 called waste collectors. A waste collector is "an entity
24 operating under a license issued by the Department,
25 Nuclear Regulatory Commission or another Agreement State.

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1 Its principal purpose is to collect and consolidate waste
2 generated by others and to transfer this waste without
3 processing or repackaging the collected waste to another
4 licensed waste collector, licensed waste processor or
5 licensed land disposal facility." This is something that
6 we think will help to insure that we have qualified people
7 that are going to generators of radioactive waste claiming
8 that they know what they're doing, putting together their
9 shipping papers and making arrangements for transferring
10 this waste, and we believe that this should help some of
11 the problems that we've seen in that area.

12 I guess if there are any questions about
13 what's going on in South Carolina or any of the things
14 that I've talked about, I can try to answer those. Paul.

15 MR. MERGES: Yeah. Henry, the state hasn't
16 realized the revenues anticipated originally. Is there
17 any attempts to correct that situation or thoughts towards
18 that or what are they doing about it?

19 MR. PORTER: There are some other things that
20 are being looked at, the possibility of maybe having a tax
21 based on activity instead of volume. We've talked with
22 the governor's office a little bit about that. Chem
23 Nuclear has also not realized the revenues that they
24 thought that they would and have gone to a fairly
25 complicated pricing scheme that uses volume activity and

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1 density of weight. I'm not sure whether anybody really
2 understands how that will work. I'm not sure that they
3 themselves understand how that's going to work, but the
4 state is looking at some other things to realize the
5 revenue that they had anticipated.

6 FACILITATOR CAMERON: Anybody else? Thank
7 you, Henry. Our last presentation is going to be on the
8 Branch Technical Position on Performance Assessment. I
9 understand Tim McCartin is going to do that. Tim, are you
10 all set up?

11 MR. McCARTIN: Yes. Hopefully I'll be
12 relatively short. I just want to give a brief overview of
13 where we're at with the BTP.

14 Generally why are we interested in performance
15 assessments? It traces back certainly to the performance
16 objectives in 6141 which is the infamous 257525 annual
17 dose. Also there in the standard review plan, performance
18 assessment is basically the technical analysis that shows
19 whether you have complied with that performance objective.

20 Performance assessment looks at integrating
21 the understanding and uncertainties with both the
22 engineering and the site in determining compliance, and
23 finally certainly the Part 61 is incorporated into many
24 Agreement State regulations. Next slide.

25 Where we're at with the Branch Technical

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1 Position is looking at compliance with that performance
2 objective, and we're looking to supplement some of the
3 information that was in the standard review plan which
4 touched upon the performance assessment but certainly
5 didn't go into the details in a few very important areas.

6 Where the BTP is trying to provide more
7 guidance, number one, is basically the overall
8 understanding of the performance assessment process. We
9 think it's a very important aspect of performance
10 assessment that it's integrated with sight
11 characterization. We think it's important to possibly at
12 the beginning of any development of a site is doing some
13 initial performance assessment analyses to try to direct
14 and provide insights to site characterization to see where
15 should I be collecting data, where is it most efficient
16 that I will have some impact on the final analysis.

17 We certainly feel that going out and doing a
18 bunch of site characterization and then dropping a bunch
19 of data on someone who might do a performance assessment
20 is not the way to go. You may have collected the wrong
21 data, spent a lot of money in areas that isn't really
22 necessary. So that aspect and certainly the iterative
23 nature of performance assessment is going back and forth
24 between characterization and analyses is an important part
25 of the performance assessment process.

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1 Also there's a few key areas that we felt that
2 it was worth giving more guidance. Certainly in terms of
3 the infiltration rates, source term releases and
4 engineered barriers. That seemed to be more prominent in
5 many low level waste plans, and finally, uncertainty and
6 sensitivity analysis, a key part of any performance
7 assessment. Next slide.

8 The BTP really touches upon four main issues
9 and I'll give a brief discussion on those four.

10 First is the time of compliance for the
11 performance assessment. Part 61 has certain time frames
12 listed in it, 300 years for waste stability, 500 years for
13 intruder protection. There is no time limit listed for
14 the performance assessment in meeting the performance
15 objectives. There has been some confusion. You see the
16 300 years, the 500 years. Does that apply to the
17 performance objectives? We have stated in the BTP that
18 10,000 years is an appropriate time to analyze the
19 performance of the facility. This is a long enough time
20 to look at not only evaluating the engineering aspects of
21 a site, but also the contribution that the site itself
22 makes, the natural barriers of the system. We also have
23 said though for some sites, you may want to look longer.
24 If you have a situation where you have very, very low flow
25 situations, you might carry a performance assessment.

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1 longer. If you have a very large inventory of uranium or
2 transuranics, maybe you'll also want to carry it longer,
3 but generally 10,000 years is an appropriate length of
4 time.

5 That gets to the second bullet which is the
6 consideration of the future site conditions processes, et
7 cetera. Obviously if you're doing a long-term performance
8 assessment, there are some questions. What kind of things
9 should I consider? We state very strongly that the idea
10 of the performance assessment is to look at a reasonable
11 range of site conditions, to test the robustness of the
12 facility. We are not looking at everything that could
13 occur over 10,000 years or however long you do the
14 performance assessment, but there should be a reasonable
15 range that you look at to see, are there any fatal flaws
16 with this particular facility?

17 Performance of engineered barriers. There we
18 have said quite strongly that any credit taken for
19 engineered barriers has to be justified no matter how long
20 you take credit for. We have said also we believe when
21 you start getting up to 500 years for credit for an
22 engineered barrier to assume that barrier is no longer
23 degraded is not necessarily the most prudent thing to do,
24 and along those lines, it's very important to look at the
25 function of those engineered barriers. There's a lot of

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1 different things you may be relying on an engineered
2 barrier to perform, and I guess there are three things
3 that we would point to, stability, the prevention of water
4 infiltration and possibly the decrease in release of
5 radionuclides from a facility.

6 In terms of allowing water into a disposal
7 unit, if you're relying on the permeability of the
8 concrete, we would say over a certain amount of time it
9 would be judicious to consider the concrete degraded with
10 respect to permeability. Cracks will happen. The
11 concrete will degrade. A similar thing could be said for
12 a cover. It will not perform as designed forever.

13 On the other side, with stability and release
14 of radionuclides from a particular disposal unit, you
15 could rely on some things, possibly significantly longer.
16 The concrete may degrade, but it's physically still there,
17 still offering stability. That could go on many, many
18 times longer than you would in terms of being leak proof.

19 Also if you have a large amount of
20 cementitious waste form or grouting, cement vault, you may
21 have a very high pH which will limit what you would expect
22 for solubility. That chemical buffering in terms of
23 reducing the solubility of certain radionuclides could
24 once again last well, well beyond any time that you would
25 look for in terms of reduction of water infiltration.

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1 So stability and chemical buffering can last
2 potentially for thousands of years. There's no problem
3 with that. It's the water infiltration. So once again,
4 it's related to particular designs and what you're
5 counting on in your particular performance assessment.

6 And finally the last bullet is the treatment
7 of sensitivity and uncertainty. Whatever we do, there's a
8 certain uncertainty in the calculation, and we have
9 recommended two ways in the technical position.

10 One is to do a demonstrably conservative
11 analysis, one in which you're using conservative models
12 and approaches and conservative parameters. I know this
13 answer is conservative. For that particular approach we
14 recommend you do a single calculation, you produce a
15 single number and compare it to the standard.

16 However, there may be cases where you want to
17 take credit for certain things, not be as conservative,
18 and there we recommend you need to do a formal uncertainty
19 analysis, maybe looking at a range of parameter values and
20 other things. You would end up with a distribution of
21 possible outcomes of your performance, where you're doing
22 a more realistic but still conservative analysis where
23 you're producing a more formal uncertainty analysis where
24 you have a range of results. We have recommended that the
25 mean of that distribution meet the performance objective

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1 and that the 95 percentile be below 100 millirem.

2 And finally, the Commission has approved the
3 publication of the draft BTP for comment.

4 In terms of the schedule, we are planning on
5 getting the draft BTP out for public comment in January of
6 '97. We're anticipating a 60 to 90 day comment period.
7 So in the March time frame we would expect to see that
8 ending. We hope to publish the final BTP in August of
9 '97. There is also a test case that we performed that
10 somewhat supports our position that we've taken in the
11 BTP. We would hope to publish that as a ncw reg in the
12 October '97 time frame.

13 And with that, if there are any questions, I'd
14 be happy to answer any.

15 FACILITATOR CAMERON: Any questions for Tim?
16 Tim, do you have a copy of the viewgraphs that could be
17 made available at some point?

18 MR. McCARTIN: Definitely. I didn't bring
19 them with me.

20 FACILITATOR CAMERON: We'll get them for you
21 and send them out. Anybody else out there? Okay.

22 I just have a couple of administrative
23 announcements and thank you, Henry and John and Tim.
24 Remember to turn your badges in before you leave out at
25 the desk outside and we'll get those back.

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1 In terms of the strategic assessment
2 materials, Alice Rogers noted that in Directed Strategic
3 Issue Paper No. 20 on international activities, it's one
4 of these every other page reproductions again. Sometimes
5 you wonder whether you ever need anymore than any other
6 page I guess, but we'll try to get you a complete copy
7 just for the sake of completeness on that one.

8 A more important item, John Erickson is going
9 to be the coordinator for Directed Strategic Issue No. 2
10 and there's a mistake in his E-mail address, and what I'll
11 do is I'll put that up here so that you can see it.

12 MR. QUILLIN: I would also like to point out
13 that there was one paper that we didn't mention yesterday
14 that Dick Bangart suggested that we look at which was the
15 fee paper. It's DSI 21. So you can take a look at that
16 one also.

17 FACILITATOR CAMERON: The missing number in
18 the E-mail address is this 3. It's right before the @
19 sign and the rest of it is okay. If you could just note
20 that.

21 MR. BEVILL: Can you read that out please,
22 Chip?

23 FACILITATOR CAMERON: Yeah. The full address
24 is and these are small letters, kle0303 @ hub.doh.wa.tob.

25 Okay. In terms of our action items, I'm not

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1 going to go through them all right now for you because I
2 know that we're pretty much drained at this point and
3 people want to get on their way. What I will ask State
4 Programs to do though is to type these up and send these
5 out to you all sometime this week or next week so that you
6 can have these action items, and what Dick and his staff
7 plan to do with the action items is to notify you, give
8 you a status report on them at some point, not only tell
9 you that the action items have been closed, but also
10 describe what the disposition was of those particular
11 action items. So you will get that information sometime
12 next year.

13 And finally, the NRC is amenable in terms of
14 format for next year's meeting. The NRC is amenable to
15 whatever format that the Organization of Agreement States
16 thinks is going to work best for all of you. Dick wanted
17 me to announce that.

18 Are there any final comments or questions from
19 anybody before we adjourn?

20 Okay. Well, thanks all of you. It's been a
21 good session I think and take care in going home.

22 (Whereupon, the foregoing matter went off the
23 record at 12:37 p.m.)

24

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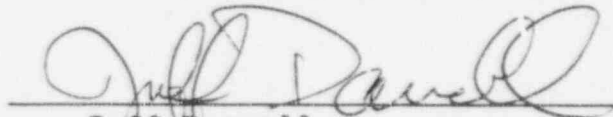
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: 1996 All Agreement States Meeting

Docket Number: n/a

Place of Proceeding: Rockville, MD

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



Jeff Darnell
Official Reporter
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