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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

1998 ALL AGREEMENT STATES MEETING

The Wayfarer Inn
121 South River Road
Bedford, NH 03110

Thursday, October 29, 1998

The above-entitled meeting commenced, pursuant to notice, at 8:00 a.m.

P R O C E E D I N G S

[8:00 a.m.]

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3 MR. FLETCHER: I am extremely pleased and gratified to call
4 this 1998 Meeting of the Agreement States to order. As I look around
5 and see all of your wonderful, smiling, eager, energetic faces, I know
6 that we're going to have a wonderful meeting, and I look forward to all
7 of the exchanges, all of the questions, all of the answers and all of
8 the discussions that each one of those causes.

9 I want to first of all ensure that all agreement states are
10 represented at the table. So if you are -- you're the representative
11 from your state and you're not at the -- you, please come forward.

12 There are also spaces available for those states that have
13 applied to become agreement states. You may have to look in between
14 some of these smiling faces we have here. But, please, if you represent
15 Ohio, Oklahoma, Minnesota, Pennsylvania, please -- and Wisconsin, please
16 come forward now.

17 To begin with, I want to make just a few adjustments to my
18 just past, almost final, almost final, final, final agenda which most of
19 you received last week, and I got changes to right after I sent it out.
20 First of all, Allen Grewe from Tennessee will not be able to attend. He
21 was scheduled to participate at 1:15. Also, the presentation of
22 "Clean Up Of A Mad Scientist's C-14" by Don Bunn is moved from the
23 afternoon to the morning -- Friday morning at 10:30 a.m. And the
24 presentation, "Privatization of DOE Contractors" on Friday is moved to
25 the afternoon.

1 Upfront, I want to thank the representatives of the Nuclear
2 Regulatory Commission for providing us with the tents so that each of us
3 will know who the other is. Please, if you have not yet filled out the
4 tents with your name, please do so. Use the darkest pen you can
5 because, as I look at them from here, they still all seem blank.

6 I'd like to get right into the agenda, and I want to state
7 upfront for all to hear that the gratitude for the way this meeting has
8 been set up, the facility, all of the amenities that you see goes to the
9 person I'm about to introduce or present because all of you know her. I
10 don't know how we would have come together in a meeting such as this
11 without her.

12 She and her staff have put forth tremendous effort
13 tremendous work to bring this together. And I do wholeheartedly thank
14 you for all that you've done. Diane Tefft, the program manager for New
15 Hampshire will now come forward and bring welcome. Diane?

16 MS. TEFFT: Thank you, Roland. Well, good morning and
17 welcome. On behalf of the New Hampshire Bureau of Radiological Health,
18 I want to welcome all of you to the 1998 All Agreement States Meeting.

19 In case you wrote up this morning or wondered where you all,
20 you are in New Hampshire, the Granite State, and specifically you're in
21 Bedford, New Hampshire and nearby Manchester. Now I do want to say that
22 Manchester is not just any City USA. The 1998 Money Magazine eighth
23 ranking of liveable cities -- livability in the United States ranked
24 Manchester as the number one small city in the East. And in the 1997
25 ranking, Manchester was ranked number six in the whole country. And

1 nearby Nashua was named number one. So you are in a very important
2 place.

3 You are also, in case you were wondering where you are,
4 about 170 miles from Canada, about 50 miles from Boston, about 450 miles
5 from Washington which is okay.

6 [Laughter.]

7 MS. TEFFT: About 18 miles from Concord, which is our
8 capital, and that's where our offices are located; about 50 miles from
9 the Atlantic Ocean and 70 miles from Vermont. I'd like each of you, of
10 course, to get to see our state, but I know that's not possible during
11 this brief stay. I certainly invite you back to tour at your
12 convenience or summer vacation. But I thought today I would tell you
13 some of the spots in New Hampshire that you might want to see when you
14 are touring.

15 New Hampshire is home to about 1.1 million people. We have
16 about 80,000 deer in the state, about 6,000 moose, and you don't want to
17 watch out for the moose if you're touring around New Hampshire. They do
18 not collide well with your car. About 3,500 bear in our state.

19 In case you haven't ever heard, we also host the first in
20 the nation's presidential primary here in New Hampshire, and we have
21 about 780,000 acres of national forest.

22 About 83 percent of New Hampshire is covered by trees, and a
23 lot of the rest of it is under water. So when we say we cannot see the
24 forest for the trees, we really mean it here. Also, in case you haven't
25 heard, we are proud to say that we have a new NRC commissioner who is
from Antrim, New Hampshire. And yesterday, I did get a chance to talk

1 to Jeff Merryfield, Commissioner Merryfield who said that he regrets
2 that he could not be here for this meeting. He is in Washington. But
3 he certainly hopes the Agreement States will consider inviting him to
4 next year's meeting. So we need to think about that.

5 New Hampshire, of course, is known for its brilliant
6 foliage. And even though this is not peak foliage season, I think you
7 can probably see some of the trees that had changed. We have a lot of
8 maple trees in New Hampshire, and, of course, that allows us to have
9 lots of New Hampshire maple syrup. And if you haven't tried that, it is
10 something I would highly recommend.

11 This time of year, of course, we have the cool brisk
12 mountain air, fall days, and I think you will agree that today is
13 probably representative of our October climate. So do get out and enjoy
14 the nice weather. It's invigorating, and we hope you enjoy that.

15 We have tax-free shopping here. So what -- the price you
16 see on the merchandise is what you're going to pay, no taxes -- sales
17 taxes, that is. We also have reduced prices at our state-run liquor
18 stores. So those of you that might be interested and want to do that,
19 that helps pay our salaries, by the way.

20 [Laughter.]

21 MS. TEFFT: Our motto here is live free or die, and you will
22 find that on all New Hampshire license plates. If you travel north from
23 where you are, you will come to the Lakes Region. And this is my home,
24 Lake Winnepesaukee, Winnesquam, Ossipee, Little Squam, Squam Lake where
25 "On Golden Pond" was filmed. So if you saw that movie, you might want
to venture on that direction.

1 If you continue north, you will get to the White Mountains.
2 And we have, of course, Mt. Washington which is the highest summit in
3 the northeast. Mt. Washington also boasts the highest wind velocity --
4 recorded wind velocity in the world of 231 miles per hour.

5 And you can travel to the Summit of Mt. Washington via the
6 Cog Railroad which is indeed an experience. You will see also the Old
7 Man And The Mountain which is a natural granite profile about 1200 feet
8 on a sheer cliff, and you can see this from the roadway, and it is
9 spectacular.

10 New Hampshire also is the home of poet Robert Frost. He was
11 in Derry, New Hampshire from 1901 to 1909. Franklin Pierce, our 14th
12 president, was from New Hampshire. And Daniel Webster, distinguished
13 statesman and orator, was born in New Hampshire. He lived in a two-room
14 framed house in Franklin which is about 25 miles or so from here.

15 Also, New Hampshire has the home and gardens and studios of
16 Augusta Saint Gaudens who is America's greatest sculptor. This is in
17 Cornish, New Hampshire near the Vermont border, a beautiful place. I
18 highly recommend it if you're touring. And he was here from 1848 to
19 1907.

20 And New Hampshire was the home of Christa McAuliffe, a
21 school teacher who was aboard the fatal flight of the Challenger. She
22 was from Concord. And many other people in the Concord area Christa.
23 She was a wonderful person.

24 The New Hampshire Bureau of Radiological Health is in
25 Concord, not far from the State House in the Department of Health and
 Human Services. And I would like to take this opportunity to thank and

1 introduce my staff who have really put in a lot of time and work in this
2 meeting. We have a so-called visual aids crew, and if you have slides
3 or transparencies or are going to use Power Point or whatever, these are
4 the people you need to talk to, and I'll ask them to stand. There's
5 Mario Annacone, health physicist, not here. Wayne Johnston, health
6 physicist, stand up if you're here. They're probably outside working.
7 Twyla Kenna. Here comes Mario, and these are one of the people that you
8 need to see. He's a health physicist with our program.

9 Liz Brown is out on the registration desk. So if you
10 haven't yet registered, you've been counted. So would you please
11 register at break or at lunch, and she'll be out there to help you with
12 that.

13 Also, Deb Russell was helping with the registrations. Deb
14 is a health physicist with our bureau. They're in the back back there
15 hiding. They think they're hiding. And Twyla's back there as well.
16 Kathleen McAllister, Kathy. Kathleen is going to be commuting back and
17 forth to Concord. So if you have some incidental copies that you need
18 or something, you need to see Kathleen, and she'll copy them for you
19 either before or after one of the meetings.

20 And Dennis O'Dowd who's over in the back there, and Dennis
21 heads up our raw material program, and many of you, I know, already know
22 them. But these people have worked hard in trying to make everything
23 run smooth here. We are also very fortunate to have sponsors for this
24 meeting. And I'll tell you, without them, we probably wouldn't have the
25 kind of meeting we're going to have.

1 We have a sponsor, the New England Radiological Health
2 Committee, who is sponsoring this morning's coffee break. The coffee
3 and danish. If you don't know who this group is, there's a handout
4 there telling you a little bit about who's on the committee. But also
5 you need to attend Robert Hallisey's presentation right after coffee
6 break. And he's going to tell you all about the New England Rad Health
7 Committee, and we think it's a unique group, and we hope that maybe it
8 will give you some ideas for forming such a group elsewhere in the
9 country.

10 Canberra is one of our sponsors, and they are sponsoring
11 tomorrow morning's coffee break. And Carol McGeehan is out in the
12 lobby. She will have a table set up with some of the wares from
13 Canberra. I do encourage you to stop by and say hi to Carol.

14 Atlantic Nuclear, it will be here as well. And John
15 Anderson, Jr. will be representing them. And, again, they will have
16 some instrumentation for you to see. So I do encourage you. And
17 Radiation Safety and Patrol Services and Chris Perry is setting up the
18 table there. Many of you may know Chris. He used to work for us in the
19 Bureau of Rad Health, and he has moved on, I guess, to the private
20 sector. Also Jay Tarzia who is a member of our State Radiation Advisory
21 Committee possibly will be out there at that table. Eric Deros and Fred
22 Stracia may be stopping in at times. So do get your coffee and visit
23 these people. These people have been very helpful to us.

24 The hotel -- the hotel is really trying to do things our
25 way. And I hope that we will support them in this. They set up a
Grandma's Kitchen in the lobby so that you can get a quick coffee and

1 danish on your own way over here. Also, they're going to provide a soup
2 and deli buffet at a reasonable price for lunch because we only have an
3 hour and 15 minutes. You can go in and whip through the line and get a
4 soup, sandwich, salad.

5 There's going to be a breakfast buffet to assist you in
6 getting here on time. And they're going to have a 5:00-6:30 early bird
7 special, \$10.99, several things on the menu, a good menu. The lounge is
8 also going to try to accommodate us with some reasonable prices, and
9 they intend to have some hors d'oeuvres there. So I encourage you to
10 eat here and, of course, go to the lounge.

11 We're going to have a message board outside here. Yeah, I
12 don't have to encourage you to go to the lounge, I know.

13 [Laughter.]

14 MS. TEFFT: A message board outside here. So if you're
15 expecting a message or anything, do look. The hotel's going to be
16 putting them there. We also have a list of nearby restaurants in case
17 you decide to venture out, and they're on the registration table. We
18 have a lot of tourist information. Please take what you want. We don't
19 have to carry it back if you don't. And, again, if you haven't
20 registered, please stop by and see Liz and the group out there to give
21 us your registration fee.

22 Other than that, enjoy, welcome. We're glad to have you.

23 [Applause.]

24 MR. FLETCHER: Thank you very much, Diane. I do, before I
25 begin my presentation, do have one additional announcement, and it's on
a sad note. Hampton Newsome lost his grandmother, and he is on our

1 program. We will make a schedule change so that he can leave us early.
2 His presentation with Aubrey will be moved to this morning. But on
3 behalf of the Conference, I offer my condolences to Hampton and his
4 family.

5 Well, as you can see from those of you -- I have some
6 additional copies. From my perspective, this has been a very good year,
7 and I do that for two reasons. This year we lost one of our greatest
8 entertainers and one of his most favorite pieces was "It Was A Very Good
9 Year." Now I could croon that for you so that you can see that it's
10 okay for me to use it.

11 But I want to go through the highlights of this year using a
12 perspective that might be somewhat familiar to you, but I want to do it
13 as a view from Old Brown Eyes. What did we do this year.

14 Well, first of all, in the Organization of Agreement States,
15 your installation is the first of the year. Well, the first of the
16 year, I wasn't at work. You probably weren't at work. There were no
17 lights, whistles, no big dinner or anything. I just came to work on the
18 2nd or 3rd, and I was chair. So there may have been something I missed,
19 but there it was.

20 Then one of the first challenges that I received was the
21 membership question. Because of situations that perhaps we can deal
22 with at the business meeting, there was a question as to how do I get
23 out of this outfit anyway, and we spent some time dealing with that.
24 But that was one of my first challenges.

25 But the things that I recall the most initially at least is
preparation for commission briefings which I participated in one dealing

1 with the GL Device Registration question and the acceptance of the
2 working group recommendations which was, I believe, very, very, first of
3 all, very important to all of us, and it brought up some perspective
4 both from an agreement state and non-agreement state perspective that
5 the Commission took and did, you know, required some relooking at some
6 of the recommendations of the staff.

7 So I think that really worked out in accordance with the way
8 the agreement states would want it to, and, it's still, of course, being
9 worked out. Additionally, we participated in our conference call. And
10 this is kind of -- it's kind of fun sometimes when you hear the little
11 beep that goes on in the conference calling, and you don't know who's
12 there. And usually, it's about 50 NRC staffers and ten agreement
13 states. But we seem to beat you guys to the punch. We're always in 15,
14 10-15 minutes early from the agreement states, and we usually have a
15 pre-meeting before everyone else gets on. So it works out in our favor.
16 But it would be nice if we could ever do it that we could have, you
17 know, those laptops where you can see the picture of the person you're
18 talking to and really have a two-way conversation.

19 But I think they worked out well, and we've gotten a lot of
20 information discussed in those fora.

21 Then we had the second presentation which dealt with many
22 topics, all of which we're going to touch upon today, one dealing with
23 information sharing and communications, DOE contractors, the license --
24 the transfer of responsibility for license, sites and things of that
25 nature. We're going to talk about all those today.

1 But we made those presentations, and we received a good
2 reception from the Commission in those presentations. We also developed
3 an OAS position paper on the limit -- the contamination limit for
4 disposal and provided that to the chairman at that conference.

5 We had a mini-meeting at the CRCPD, and I really think that,
6 as we look at future meetings of this nature, the earlier we get started
7 planning our own meeting, the better the meeting is, I think if you look
8 around, because (1) the work of Diane and her staff and (2) getting the
9 word out early helped us to put this meeting together the way you wanted
10 it to be put together.

11 I had an interesting presentation for the Office of General
12 Counsel at the NRC because we had contact with Chip Cameron and Hampton
13 and a few other of the attorneys at the NRC. But the majority, I
14 believe, don't really understand what we are. And hopefully, maybe that
15 number is reduced somewhat. But I did get the feeling that we're kind
16 of an odd organization that there's not a lot of information about, and
17 the more we do things like that, perhaps the better off we are when it
18 comes to communicating throughout the staff.

19 Now we have the agenda that you have. That was the most fun
20 I've had all year because we started off with the topics that you told
21 me at the CRCPD this is what we want. But conspicuous by its absence
22 from the side of the topic were presenters. You all had good ideas
23 about topics, but presenters were few and far between.

24 And, you know, I begged, pleaded. I sent e-mails which some
25 of you had difficulty converting, I realize, but faxes trying to get
people to come forward. Well, then I took what I consider a chairman

1 prerogative, and I started putting names down myself. Oh, did I get
2 some reactions to that.

3 [Laughter.]

4 MR. FLETCHER: I noticed that my name is on the agenda. I
5 never volunteered for that. Well, I know, but I had to put someone
6 down. I thank all of you who saw your name, acknowledged it, and put
7 something together to present here. Only in a few instances did I get
8 some discouraging words and non-participation. But that's to be
9 expected. The vast majority of people just helped out, and I certainly,
10 certainly appreciate it.

11 And this is what the result was. I put in some surprise
12 presenters, and I got surprised presenters, but I got presenters.

13 My next meeting with the NRC happened back in September, and
14 I met with Public Affairs and with OI, and it was a good meeting. I'm
15 not going to go into a lot of detail here because we will be having a
16 presentation on that a little later.

17 What I do want to do, however, is to point out that there
18 are some other things coming up. Steve Collins is going to talk about
19 the SS&D, the IMPEP SS&D that's coming up, and we have registered here
20 today somewhere around 105 people, and that is a very, very good number,
21 a very positive number. It means that our efforts really did come
22 together, and I certainly appreciate that.

23 I would like to end by congratulating our newly named
24 commissioners, Commissioner Greta Dicus who has been reinstated or given
25 a second term as a commissioner. And, as Diane mentioned a commissioner

1 -- and I got the first name wrong. It's Jeffrey, not Jerry -- Jeffrey
2 Merryfield who is from the state of New Hampshire.

3 Once again, I thank you very much, and I am certainly
4 pleased and gratified and humbled by having the opportunity to serve
5 this year as your chair. And I look forward to working with next year's
6 chair. I must apologize for Stan Marshall. Somehow or other, this date
7 had a major conflict with a family matter, and he was not able to be
8 here.

9 And it turned out the same for Bob Quillen who is our past
10 chair. This weekend happens to be his 40th wedding anniversary, and it
11 was either come here and stay single -- or be single or take his wife to
12 Italy, and he chose Italy. So they're both not present. But I have
13 conversed with both of them, and I got their input.

14 So I thank you very much for this year.

15 [Applause.]

16 MR. FLETCHER: At this time, I have the distinct privilege
17 and pleasure to present to most of you -- introduce to some, present to
18 others our keynote speaker. Dr. Nils J. Diaz is a commissioner with the
19 Nuclear Regulatory Commission, and he was nominated for a five-year term
20 by President Clinton in July, 1996, and confirmed by the Senate in
21 August of that year.

22 Prior to his appointment, Dr. Diaz was professor of Nuclear
23 Engineering and Sciences at the University of Florida, and director of
24 the Innovative Nuclear Space Power Institute, a national consortium of
25 industries, universities and national laboratories.

1 He's also president and principal engineer of the Florida
2 Nuclear Associates. Dr. Diaz's career includes 11 years as director of
3 INSPI for the Ballistic Missile Defense Organization, Department of
4 Defense; two years in California as associate dean for research in the
5 California State University at Long Beach; one year in Spain as
6 principal adviser to Spain's Nuclear Regulatory Commission; six years at
7 Nuclear Utilities and Vendors. From 1971 to 1996, Dr. Diaz consulted on
8 nuclear engineering and energetics for private industry, the U.S.
9 government, and several foreign governments.

10 Dr. Diaz holds a B.S. degree in mechanical engineering from
11 the University of Villanova-Havana, an M.S. degree in nuclear
12 engineering and a Ph.D. in nuclear engineering science from the
13 University of Florida. He has received formal training and practice in
14 nuclear medicine and health physics, and was licensed as a senior
15 reactor operator for 12 years by the NRC.

16 He has published more than 70 reference papers on reactor
17 kinetics and safety, instrumentation and control, imaging and
18 non-destructive examination, advanced reactor concepts, propulsion and
19 nuclear fuels.

20 He is a member of many professional societies and has
21 testified for both the U.S. House of Representatives and the U.S. Senate
22 on issues of space, power, nuclear proliferation, on the international
23 non-military nuclear reactor safety, and nuclear regulation.

24 Dr. Diaz is also a fellow of the American Nuclear Society.
25 He is married to Zena G. Gonzales. They have three children, Nils,

1 Anadeen and Alene. So without further adieu, I'd like to introduce to
2 you Commissioner Nils Diaz.

3 [Applause.]

4 DR. DIAZ: Good morning. I'm just very interested in the
5 different ways my name gets pronounced. He only missed it once. So
6 you're doing well, Roland.

7 It is a real pleasure to be here in more than one way.
8 Actually, I have the pleasure of being regulator in the state for many
9 years. I actually was -- I can't put all those things in my resume.
10 Then people think I'm faking it. But I was for almost 14 years the
11 director of Nuclear Facilities at the University of Florida, and I
12 actually controlled most of the real big radioactive sources, the
13 accelerators, the reactors, the heavy water, some 181 kilograms of
14 enriched uranium that we had in some back woods place. And it's very
15 interesting because the sign says "Entomology Research." People knowing
16 about going in there thought we were trying to make roaches grow
17 somehow.

18 But I want to thank Mr. Fletcher for the opportunity to be
19 here. And, of course, I want to thank our host, Diane Tefft, for
20 putting this thing together and allow me the opportunity to chat with
21 you for a little bit.

22 First, I want you to know that about a month ago, we were
23 going through an exercise of putting where things belong in order of
24 importance. And when I look at the national organizations that we have
25 to interact with, I put the Agreement States as the number one
organization that we have to interact with.

1 And it is very simple. You guys are where radiation meets
2 people, okay. I mean, if you look at nuclear power plants, these are
3 fortresses that are isolated from the people. But you work where
4 radiation meets people, and that's a very important thing. And you have
5 taken a lot of our burden from us, and you have to discharge it.

6 And I see it as our obligation to work with you, make sure
7 that you have what you need to get that job done that we have to do if
8 you were not there. And so I value tremendously what you do. I always
9 have. And I can assure you that as long as I'm on the Commission,
10 Agreement States will be somebody special. There's no doubt about it.

11 I was going to work on how to talk to you and go around
12 issues. But usually, I have a problem. I write these notes down, and
13 then I don't pay any attention to them.

14 [Laughter.]

15 DR. DIAZ: But fortunately, I was told that, you know, that
16 my time is limited. So you will not be worrying about how long I go. I
17 understood that I have four hours, plus or minus two. And according to
18 that, you can relax, okay, because that's about the way we're going to
19 go about it.

20 [Laughter.]

21 DR. DIAZ: We are approaching the 40th anniversary of the
22 agreement states; 274(b) created really a kink in the federal armor, and
23 it's a right kink. It says the power has to go to the states. And you
24 have heard me talking before. I am very much for having Washington
25 deliver the power to the states because, again, that's where the people
are, and that's where you can be effective in what you do.

1 It is necessary and, of course, we do have sometimes, you
2 know, a high hand in trying to determine which way you do things. But
3 the bottom line is that now in this time and era, we are becoming more
4 and more a partnership in which your opinions, the way you want to do
5 things because you're the ones who do it, becomes more and more
6 important.

7 We're also developing new systems and methods. The idea is
8 not to complicate life, but to make life simple. The idea is to have
9 accountability in what is done because we are, all of us -- you and us
10 -- accountable to the people of this country.

11 So it is important as we realize that, you know, 30 states
12 already are agreement states. Three are in the process of becoming
13 agreement states. And then there are three more that are just about
14 down the pipeline. In other words, we are now working trying to get
15 Ohio, Oklahoma and Pennsylvania which will had 1700 more licensees to
16 the agreement states. And we have Minnesota, Wisconsin and Connecticut
17 -- the letter from the governor of Wisconsin has already arrived.

18 I would be surprised if in the next five years this number
19 doesn't get closer and closer to 40 states, and that will mean that a
20 great majority of our radioactive licensees and materials will be in the
21 hands of states right where the people are.

22 As a backdrop to this, if we look at this, we need to
23 realize that what we do together is very important. It's very important
24 in more senses sometimes than what we realize because we are the
25 interface between a technology or many technologies and the people that
receive the products of that technology.

1 Now this is something that sometimes we don't realize. It
2 is that regulators are an interface, and that interface is not to
3 prevent good things from happening. It's just to maintain some adequate
4 standard which sometimes needs to be defined, okay. And we are that
5 interface that eventually allows the delivery of the product to the
6 people, and that interface has tremendous importance.

7 Because if you do it wrong, you're either doing one of two
8 things. You are really not providing the protection, or you are
9 preventing the benefits to reach the people.

10 So regulation is more than just an art. It's more than just
11 a passing thought. It's more than just an organization. It is really
12 part of the delivery mechanism of society. It is right in between,
13 okay, or should be between a product and the users of the product -- the
14 people of this country.

15 And I will tell you that we're going to see a period of ten
16 years in which regulation will change significantly, and will occupy its
17 right place in this society. And that is not going to be just an ad hoc
18 movement. I assure you that there's going to be a science and
19 technology to it because we now have the mechanisms, we have the
20 know-how on how to do that.

21 That interface needs to be better defined so that people can
22 actually enjoy the benefits that are going to be coming from any and all
23 of these technologies. You're going to talk about a lot of things
24 today. And I know that they're going to be in a lot more depth than I'm
25 going to go in here.

1 But I'm just going to just try to make sure that we're all
2 about the same base. There's a couple of things, of course, that have
3 increased what we call our outreach and participation from the states.
4 I think IMPEP has been a good start both in eliminating the
5 proscriptiveness of what we do, what you do, and I think it's going to
6 get better.

7 I also believe that when we put in 1997 the principal
8 statements of principles and policies, we actually took a step forward
9 in defining how we were going to do things. These groups that you have
10 formed to work with us are very important. The Part 35 Medical Working
11 Group which has, as you know, had a very lively meeting last week and
12 I'm sure is going to keep getting very, very lively. The Part 35
13 Guidance Document Group -- and by the way, you all realize the idea of
14 doing Part 35 is not to do another rule, but to do it simpler, to do it
15 better, to do it more risk informed, to do it in a manner that it
16 actually weighed what are we getting for our buck.

17 It is a very important issue because if we can include in
18 the actual treatment of patients an element of risk information and that
19 element starts to be getting known, it will make life easier when this
20 government and this NRC starts to saying we are risk informed, we are
21 risk based, we are providing more and more, you know, guidance in how
22 the users do things rather than how we want them to do them, and then
23 hold them hostage to it.

24 Nuclear byproduct material, risk reviews, another one of the
25 groups that we are now interacting, the incident response group, the

1 general license device working group, and the clearance rulemaking
2 working group which I'll dwell on a little bit more.

3 It is obvious that with this new phase we are going into a
4 new -- what I call enhanced participatory, you know, agreement with the
5 states -- something that we need badly to do. We need you to not only
6 participate. We need you to pound the table and tell us -- which you do
7 once in a while, right -- tell us you're not doing this thing right,
8 NRC.

9 I think people sometime used to think that this was some
10 kind of a problem. To me, it is wonderful that people stand up and say
11 this is not right because this is a democracy, and that is the way it
12 should be.

13 Now we sometimes do not appreciate that fact. I do
14 appreciate the fact because I do have, you know, a little bit of
15 background in dealing with non-democratic governments. And in fact, I
16 lost my country at a very early age because we couldn't agree on a
17 simple thing, whether the country should be communist or not. And, of
18 course, I said, no, it shouldn't be, and Castro didn't like that at all.
19 So I spent seven months in an embassy running for my life. And, you
20 know, I still remember. Of course, I was too young and too foolish to
21 know what was happening. But still that is engrained in me.

22 The ability to contest, the ability to argue, the ability to
23 protest is such a major part of this country that, you know, sometimes
24 we take it for granted, but it's indispensable.

25 And I assure that the NRC now is very well aware that you
guys are going to complain and protest, and the important thing is I

1 want you to know that we are going to listen, okay. We are going to
2 listen. It is, you know, so holler as much as you want. We are going
3 to listen, and we are going to do something about it.

4 Some of the things that keep going that I think are
5 important, although we're now arguing internally where we put some of
6 these things. The nuclear materials event database is something that
7 we're not going to change. We're going to enhance.

8 And, as you know, we have been asked to add not only NRC
9 materials but non-NRC materials to the database. I think this advanced
10 database will serve -- and you will see it when I finish the preliminary
11 introduction to my talk and I really start talking why this will be
12 important. This database should give us a baseline of where we are and
13 should give us an indication where problems could be.

14 And so I think this is a thing that we need to work together
15 to do it very, very well. Improving the control over and licensee
16 accountability for general and specific license device -- you know that
17 when the Commission was faced with this briefing on the staff, we
18 actually said no, this is not sufficient, and the Commission turned
19 around and decided that it was time to do something better. And I think
20 it is time, and I think it is obvious that we are going to do it.

21 And I think it is obvious that you need to be not
22 participant or active participant, but partners in this process of
23 getting ahold of these devices that we have sometimes lost track of
24 where they are because, you know, well, let me stop.

25 When I was in Brazil a year ago, somebody told me that we
know the big events and the big accidents. But what nobody knows is of

1 all of those times that people have really gotten irradiated and nobody
2 knows about it. And I asked them in Brazil how many non-reportable
3 cases of radiation exposures do you think happen a year that you don't
4 know about that are in the range of five grams just to get something.
5 He said 50 to 100. I said where do you get that number. He said I just
6 know it. I mean, it just happens all the time.

7 Two years ago, before I came to the Commission, I was in
8 Costa Rica. Two weeks after I left Costa Rica, there was an incident,
9 okay, of the high exposure for cancer patients in Costa Rica. This we
10 know of. It's the ones we don't know of that might be a larger health
11 risk than we realize. And we need to step in there and do something
12 about it.

13 I think this is a very good thing. I think the Commission
14 is fully behind it. I think we're going to get it done, and we need
15 your support in doing that. I could probably spend an entire day
16 talking about the decommissioning. I've given three talks on the
17 decommissioning, and I'm prime for it. So if you want to consider all
18 of your things and give me a loud microphone, a glass of wine -- no, I
19 didn't say that. Glass of water would be fine, I could probably talk
20 about decommissioning.

21 Decommissioning has now been brought to the forefront. We
22 are going to be doing more and more with it. We're going to be doing
23 more and more defining of it. We are going to work with you in every
24 aspect that we can to make sure that you're aware of where we're going.
25

1 I'll talk a little bit about this nice composed debate we're
2 having with EPA regarding some of these things. No cuss words allowed in
3 here, right? Huh? I was warned about that.

4 But with the rule promulgated in 1997, we actually are
5 engaged in how this fits into a national arena. And that's what I want
6 to draw attention to you. You might see some things that are isolated.
7 The decommissioning rule, the clearance of materials, the Yucca Mountain
8 standards, our stands on DOE oversight, our stands on the tritium
9 production, the missile stiles, these are not isolated issues. They all
10 belong to one big picture that says this country is now facing the fact
11 that we need to control the uses of radiation for the benefits of the
12 people of this country with uncompromised safety. But we no longer can
13 hide behind and say we're not going to deal with this, or we're not
14 going to talk about it.

15 The time is gone, and the time is gone because there are
16 natural processes, okay. Aging is one of them. We're all getting a
17 little older, okay. I won't admit to that, but you know other people can
18 say that (a) we've been working on this for so long, what is the result.
19 We are bound on achieving results rather than keeping up with the
20 rhetoric.

21 And to do that is going to take eventually a series of
22 Congressional actions that might go as far as having to amend the Atomic
23 Energy Act itself, having to come up with laws that actually allow us
24 and you to do the job that we are trying to do in the proper context.

25 There is each of the Clearance Rule and something that is
dear to my heart. As you know, we are starting in the process of

1 clearance rules. And why do we have a clearance rule -- a clearance of
2 materials rule? Well, it's because there is nothing that is not of
3 regulatory concern.

4 [Laughter.]

5 DR. DIAZ: Huh? And it is time that we stop discriminating
6 on this interface of what nature called solid materials. I mean, we
7 allow gaseous materials and liquid materials to be discharged to the
8 environments in quantities that have been determined to be safe. And
9 then this most stable form, solid form in which nature manifests itself,
10 we have totally banned it.

11 And then we have put these standards of detectability on it.
12 Now detectability, of course, is a changing capacity and technology and,
13 therefore, it is not right not to look at it in the right context. So
14 we are engaged now in this enhanced participatory rulemaking that will
15 allow us to come up hopefully in a couple of years with a rule that will
16 alleviate many, many of the problems that are now faced by people all
17 over this country.

18 It is sometimes, you know, amazing how these things will
19 pile up on top of each other. It is something that you need to
20 participate. The states have a major voice on this issue, and you have
21 guys who are very actively involved in it.

22 The low level radioactive waste disposal which I'm sure is,
23 you know, an issue that all of you continuously watch and you watch and
24 you watch, and nothing happens. Okay? Well, things haven't changed,
25 okay. We're still in the same place except, as you know, Senator
Murkowski got kind of a little tired about this, as he has asked GAO to

1 study what is happening with the low level waste disposal, why it isn't
2 working, why we don't have any new ones, you know, why are we still
3 stuck with the things.

4 And I believe that this is going to have some movement
5 because we either say, well, what is obvious is this law did not work.
6 We need something else. We need to allow private people to do it.
7 Something needs to be done because we cannot keep going year after year
8 and having this problem not really resolved.

9 Not can we increase the price, okay, of putting materials,
10 you know, away, disposing of them beyond the capability of the people of
11 this country to pay for it because, you know, whatever the cost is --
12 and I'm sure you know this better than I do, somebody out there is
13 paying for it. It's not the Company A or Company B, but the people of
14 this country pay for it.

15 We are no longer looking at Texas as something that's going
16 to be resolved in a short period of time now that we know about
17 California. But I think that next year the Congressional agenda is
18 calling for a series of things, all of them nuclear, not the least of
19 which is going to be Yucca Mountain which is the very one on the agenda.

20 And I can tell you that I had a meeting with the Senate
21 leadership not very long ago in which Senator Lott and his staff
22 expressed the fact that they are committed to have a very good package
23 to be delivered to the president by February of this coming year. And
24 that is, you know, probably subject to interpretation what a good
25 package means. I think a good package means something that the
president can sign.

1 And so, of course, until after these elections, we probably
2 won't hear too much about it.

3 Stern regulation of DOE is stalled, a depressing time. We
4 had a change in the secretary. Secretary Richardson is just taking his
5 time to look at it. And, again, I do think nothing will happen until
6 after the elections or maybe some time after that.

7 I still favor that DOE have external regulation. And I
8 think that whenever appropriate, according to the type of facility, that
9 the state should participate strongly in this regulation. I have been
10 for many, many years working with national labs, and I think it is time
11 that those parts of the national labs that can be easily regulated come
12 to a very straightforward and, you know, set of national standards.

13 The other components, actually most of them, can be
14 regulated, and I think they need to be. But my position on this issue
15 is that we need to push for oversight over DOE not because we want more
16 work, but because the NRC and the agreement states have the expertise to
17 actually get involved and protective of public health and safety without
18 creating a nightmare of regulations, and I think that's important.

19 That completes the introduction to my talk.

20 [Laughter.]

21 DR. DIAZ: Now I'm going to have some fun. Let's see. I
22 know where I have these things, but the bottom line is if you really
23 want to know what's happening in White Flint City, right? Well, we're
24 pleased to have two more commissioners. I think it's very important for
25 the process of the NRC to have Commissioner Dicus and Commissioner
Merryfield to now be sworn in and be able to enter this plethora of

1 multiple issues that the Commission deals with. I think it's
2 fundamental that this fine body have diversified opinions, have
3 different sometime interests, but converge what the issues are and what
4 the solutions of them are.

5 What is happening in White Flint City? The main thing that
6 is happening is an awareness that there has to be a shift of the
7 regulatory burden from the bodies that regulate to the users because
8 that's where safety is. Safety is not in what rules or regulations we
9 do, but in how they are used.

10 And we are embarking on an adventure in making the burden
11 heavier on those who use it -- the regulatory burden itself. Having
12 them more actively involved in how they regulate their things within a
13 framework, what I call the safety envelope that is being defined so that
14 licensees and users know where they are and know what flexibility they
15 have and know when there is no flexibility so they can actually use
16 radiation or nuclear energy in the very best way possible.

17 Now this shift of regulatory burden has one major condition
18 to it which denotes also a change in the way we're thinking, and it's
19 very simple. Shift the regulatory burden, and no unnecessary costs.
20 Necessary costs, yes. Unnecessary costs, no.

21 Because costs are not paid by companies. Costs are paid by
22 people. And as you know, in this world right now, everybody is in cost
23 cutting, including the people. I mean, everybody thinks that government
24 is in cost cutting and companies are in cost cutting. But the people
25 that really need to benefit from all of those things are the people of
this country.

1 And to do that, it requires a change in thinking. It
2 requires the fact that we know that we cannot do the operations for the
3 reactor operator or for the technician in a nuclear medical lab or
4 industrial lab. We can set the safety network, and we should. And we
5 should have it clearly identified, and we should have all of the things
6 that we consider indispensable in these processes which is transparency,
7 consistency, accountability, and, last but not least, due process of law
8 because this is a democracy. This is not a dictatorship, and people
9 have to have a chance to even argue when they are being "questioned
10 about their performance" or they're threatened to be fined. Okay.
11 There has to be due process of law.

12 This is not going to weaken regulation. It's going to
13 strengthen regulation because it's going to make it clear, it's going to
14 make it visible, it's going to make it accountable, and the benefits are
15 going to be at the end user where it will benefit the people directly.

16 And you're such an important part of this process. Now this
17 process is more advanced in the nuclear power plants which were more in
18 need of having, you know, the entire framework changed. But it is
19 coming at you like a train in a good march, not too accelerated, not too
20 slow. But it's coming at you because the benefits of being risk
21 informed, the benefits of putting the word in what it is, the benefits
22 of eliminating unnecessary burden, those are all parts of the parameters
23 and the equations that you deal with all the time.

24 And it is important to realize that this is not -- this is
25 not a phenomena that just happened out of the blue. It did not really,
you know, originate because the Congress asked the NRC to see how

1 they're going to sustain their budget, and we're going to cut you 20
2 percent. I call that part of the natural process.

3 The bottom line of what has happened is that we have learned
4 a lot more the last few years about how we do things, and how we can do
5 them better. And this is a national process.

6 For many years, we even dare not to question what was
7 happening. Now it is not only a standard to question, but we are even
8 now going to the extreme of trying to answer the questions and taking
9 some actions about it because now it can be done. Now we know much
10 better. Not that we have all of the answers, not that we're going to
11 provide the perfect solution. But we are poised to come up with major
12 changes that will allow the regulation of nuclear materials and nuclear
13 energy in a much better way.

14 It happened by the way that this is possible because the
15 practicality of being no events to work with. So if you think as
16 something that enables processes to go forward, you might think that in
17 this country on the health and safety issue no event is actually
18 something that enables you to do things better.

19 Now it should be the other way around. You have an event,
20 and you think that you will learn from it. And, of course, there's an
21 event, we have this lessons learned approaches. We have what, 17,000
22 lessons learned from TMI of which 16,000 were wrong.

23 [Laughter.]

24 DR. DIAZ: Every time, you know, there is something, we've
25 got these lessons learned. The first thing that you have to learn is
that lessons learned are not perfect, okay. They're good. But the best

1 thing to do is to learn through the processes that are not acute because
2 it allows you to pause, to reflect, to do things timely, to do things
3 economically.

4 An enabler of a change in the regulatory paradigm is no
5 events. If there were events in nuclear power plants, we wouldn't even
6 dare to be talking. We would be in Congress, you know, trying to say
7 there's a few of them that can work at half power, okay. Or, you know,
8 there's no doubt about it -- in the same way in your area, events
9 minimalization is an enabler. It will allow us to bring the best of the
10 technology to bear down and make the regulation of radioactive materials
11 better, simpler, more straightforward. It will give you more
12 accountability.

13 But if there are events, all bets are off. So a focus --
14 let's try to be for a few years as event free as possible. That is
15 indispensable.

16 The second thing that has happened that makes this natural
17 process possible is that we all learned and probably learned the hard
18 way what to do and what not to do. And that process that has been going
19 for many years has now allowed licensees and you to come and say, hey, I
20 know better. This that you're proposing, NRC, of this way, this is not
21 right. You are standing up behind know-how and be able to come and
22 manifest it and insist that things have to be done a different way.

23 The same thing with the nuclear power industry. They
24 realize now that they have a know-how base in which to go force and say
25 there's a better way of doing things. And, of course, there is that
American incentive of competition, cost deregulation which is going to

1 come not only to nuclear power plants. Do you think you're seeing
2 changes in the way that medicine uses its tools and resources and the
3 way that the entire country is going with different structures of HMOs
4 or whatever it is? It is fundamental to the way this country works to
5 get regulations that are simpler, better, that cost the people less. And
6 that is at the bottom line.

7 We are not going to save money for companies. We are going
8 to have uncompromising safety use of our materials or other power
9 plants, but we're going to try to do it so that people pay less, and
10 that is the good American way. There is nothing wrong with cutting
11 costs and being competitive and having the market place dictate the way
12 things are.

13 However, we pose a net over that. The safety envelope that
14 we are getting better and better at defining. And it is in the
15 definition of the safety envelope where there is this continual dialogue
16 or continual interchanges in which you are a fundamental part of it.
17 You need to be involved with us as these processes get changed.

18 I think the willingness to stand up and be counted is an
19 indispensable part of this process. Please feel that you are not only
20 welcome, that you have the responsibility to stand up and be counted.
21 If you don't like what we're doing, scream. Okay, scream.

22 I'm sure the staff will pay attention. But this Commission
23 over and over is saying go to the right channels. But if you don't get
24 what you want, you come to the Commission. This Commission is engaged
25 in resolving issues. I'm very proud to be part of this Commission
because I know that every single one of them is engaged in resolving

1 things. We might not agree all the time. You might read it in the
2 papers, okay. And people say what a terrible thing. I say what a
3 wonderful thing that we can disagree. What a wonderful thing that in
4 this country it is possible to disagree at that level and still be able
5 to work together.

6 I think you need to realize that risk information is here to
7 stay. However, I find there is a problem with the use of the term
8 because we talk about risk informed regulation, and that is just maybe
9 one fifth or one third of the real plan.

10 Because what has to happen is that we have to have risk
11 informed operations. It is not that the regulation is there, but that
12 the users are capable, understand, function within this envelope of
13 safety that is now risk informed. And this is why everybody needs to
14 learn a little bit about what risk information is and where we stand for
15 it.

16 Because the beauty might be in the eyes of the beholder, but
17 safety is in the hands of the user. So we need to progress from risk
18 informed regulation to risk informed operation. We need to make sure
19 that you know and we know well where the safety envelope lies. And the
20 fact that this envelope could change shape, but that the bottom line
21 which I will call the area under the curve which is this uncompromising
22 safety that we have to have, okay, will be maintained. It might not be
23 in the same manner, but I can assure you it will be better.

24 I am digressing now, but people keep coming and saying but
25 the uncertainties about PRA or, you know, so who says that the
deterministic models have better accuracy? Whoever dreamed about that?

1 I mean, I worked with some deterministic models for many years that were
2 so wrong, okay, that were amazing. We keep making experiments, and then
3 we keep trying to fit the experiments to the theory. And the
4 experiments were right, and the theory was wrong.

5 There is no difference. There is just different
6 uncertainties. And the uncertainties in some are almost larger than in
7 the models that we now try to use through PRA. They're different
8 uncertainties. But in many ways, we're now getting the high end
9 approach to get a handle of what is important, what is the risk. And
10 that will permeate to your area very, very simple.

11 The issue of PRA is not an issue of nuclear power plants
12 only. It's an issue for everybody, and it's going to come
13 systematically at you, and I think it's going to be a very, very
14 beneficial thing.

15 I got to comment in here -- I think I'm running out of time.

16 MR. FLETCHER: Just about.

17 DR. DIAZ: Just about? Okay. Let me just say something.

18 There are issues that are larger than you are, then the NRC is, that are
19 going to go to the Congress of the United States. The decommissioning
20 rule, the site termination and the controversy with EPA is not going to
21 die away. Neither is the now controversy on the standards for Yucca
22 Mountain where we are ready to come and do the responsible thing and put
23 out what we believe it should be, and EPA might have something
24 different.

25 We might be challenged, and we're challenging EPA on the
federal guidelines. They might come and challenge us on clearance of

1 materials. These are things that are very important to the states of
2 this country. And you need to decide what are your priorities as you
3 work this coming year because the Congress of the United States need to
4 hear from you whichever side you're on. I think you need to participate
5 because this needs to be resolved.

6 This issue of dual regulation is too old, is 25 years old.
7 It had a wrong start because EPA preceded NRC by four years. In 1970,
8 they got established. There was no independent agency to oversee what
9 the AEC was doing. They were given this national responsibility. When
10 NRC was born in 1974, nobody knew what to do about it. The only thing
11 that ties these two agencies together is a 1974 OMB Memo. It's two
12 paragraphs, and that's it. And that is absolutely crazy.

13 We have the responsibility to let the Congress know that
14 this issue needs to be resolved, that we have in the NRC expertise and
15 the states have expertise that can come to bear in these issues and
16 avoid unnecessary cost to the people of this country.

17 We also tried this past year and we are now trying harder to
18 get funds appropriated from the Congress of the United States apart from
19 the fees. And a significant part of that is to the agreement states to
20 make sure you guys have the resources to discharge your
21 responsibilities, and I am very much in favor of that.

22 In fact, I assure you that half of my visits to Congress in
23 the next six months, every time we will touch on that issue. We need to
24 have this funding. We need to be able to separate it from the fee base.
25 The states need to have adequate resources to do their work, and that's

1 it. And you guys need to fight for it. When everything else fails,
2 talk to your Congressman. Did I say that?

3 [Laughter.]

4 DR. DIAZ: Okay. Revelation -- it's being considered by
5 many people in this country as a occupation of least importance. I
6 disagree. I think regulation is a vital component of this country that
7 was created with the specific purpose of either protecting health and
8 safety or protecting the way things are doing in any way, but ensuring
9 that the quality of the life of the people of this country is the
10 standard. It is -- the orchestra director is the quality of life of the
11 people of this country, not anybody else.

12 Therefore, regulation is going to be turned into something
13 different. Three weeks ago, I went to the National Academy of Sciences
14 and suggested a proposal, and the National Academy Sciences is now
15 acting on it that regulation become a science and technology? Why not?
16 We have science in phytokinetics, whatever that means and in everything
17 else you can think of. And yet, this very critical component of our
18 society which becomes the interface, like I said before, between the
19 producer and the people is being treated in like an art, like something
20 that we do and then we do something better. It doesn't have to be. It
21 can be better. But to do that requires that everybody gets involved.
22 Everybody puts up their intellect to raise the level of what we call
23 regulation to the point that it's more beneficial.

24 I don't think you have a choice. There is an old cliché
25 that says lead, follow or get out of the way. You don't have that
luxury. You have to lead. Thank you so much.

1 [Laughter.]

2 MR. FLETCHER: Thank you very much for that very informative
3 and inspiring talk. And I have just one question. You mentioned on
4 many occasions that we're awaiting Congressional action, and we need to
5 make sure our Congress is informed.

6 But I know that some actions have been directed by Congress,
7 and one of them that the agreement states are really concerned about is
8 the directive that the NRC and the EPA work together to resolve some of
9 the radiation issues. Now this has been directed by Congress. Are
10 there active negotiations ongoing that will help alleviate some of these
11 problems while we wait for other decisions?

12 DR. DIAZ: There are always active negotiations ongoing.

13 [Laughter.]

14 DR. DIAZ: Now we think they are one-sided. I do not
15 believe there is in the short term a resolution between EPA and NRC on
16 the issues of site remediation. I do not believe that we are converging
17 on the issues of Yucca Mountain. I might be wrong on that, but I don't
18 see it happening.

19 So negotiations, yes, we will continue to interact, discuss,
20 negotiate. We are too far apart. And I believe that here is where the
21 concept of regulating with science and technology comes to play. We
22 believe we have made a very good effort to put our regulations with the
23 best science and technology possible, and we don't believe that EPA has.

24 And in many times in the past, what happened was that the
25 NRC caved in and the DOE caved in because -- anybody from EPA in here?

[Laughter.]

1 DR. DIAZ: Good, good. EPA's a big bully.

2 [Laughter.]

3 DR. DIAZ: Good. I wouldn't have said it if there were not
4 somebody here, by the way. I would have misinterpreted it. You can
5 quote me. He said it's a big bully. And this protection of the
6 environment and the people, it plays very well. We are protective of
7 the people and protective of the environment, and we think that our
8 regulations do that.

9 I don't see any way but Congressional decision on this
10 issue.

11 MR. FLETCHER: Thank you very much.

12 DR. DIAZ: Sure. I'd be happy to -- I know you were late.

13 MR. FLETCHER: One or two questions if anyone has some very
14 pressing questions. I think you dazzled them. There's one.

15 SPEAKER: One of the issues that --

16 MR. FLETCHER: State your name, please. He can't see you.

17 SPEAKER: That's the reason I have it facing this way.

18 [Laughter.]

19 SPEAKER: I'm Ed Bailey from the State of California. One
20 thing that I mentioned to him is whether or not NRC will attempt to
21 create a fund to clean up old sites similar to what EPA has for
22 Superfund.

23 And since we have over 100 terminated AEC/NRC licenses that
24 may need the sites looked at, what are the plans for handling these, and
25 will there be some sort of Superfund-type arrangements set up.

1 DR. DIAZ: Yeah, I don't think we are attempting to create a
2 fund to clean up licenses. However, we are looking at the issue even in
3 a case-by-case basis and trying to relieve the burden from the states.

4 I do believe that if there were a case where there were
5 significant costs, then you would have us on your side to say to
6 Congress this needs to be cleaned up and further funds need to be used,
7 okay.

8 By the way, I'm going to be around quite a bit of the time.
9 I do have to run out, but I'll be back later this morning at lunchtime.
10 I'll be at the reception this evening. I'll be here tomorrow morning.

11 And one of the reasons I come to this meeting is not to
12 listen to myself or talk. Actually, I come here to interact with you.
13 And I would appreciate the opportunity to discuss whatever you want to.
14 And so come over to where I am, and let's go at it. Thank you again.

15 [Applause.]

16 MR. FLETCHER: It's now time for our break. As Diane has
17 said, we should be very pleased with our break area. So please be back
18 in your seats by 10:15.

19 [Recess.]

20 MR. FLETCHER: I would like to ask all of those at the --
21 all agreement states at the table, when you want to ask a question just
22 in case I might miss you, how about turning your tents on the edge so
23 that I can see you. And once the question has been recognized, please
24 put them back down.

25 The second thing I would like to do at this point is to ask
you at least for these early sessions to state your name because there

1 are 35 positions, and from this corner, it's difficult for the
2 transcriber to know exactly who's asking the question.

3 You know, there's an old saying that I know you've heard.
4 We used to use it in the military a lot that if it's not broke, don't
5 fix it. And when I reviewed last year's meeting, I noticed that there
6 were many things in it that just weren't broke. So why fix it.

7 One of the things -- individuals who participated in that
8 meeting did a fantastic job, and I felt as though he deserved an encore.
9 And though I'd prepared a long introduction of Mr. Frances X. Cameron, I
10 think it would be a whole lot easier for me to just tell here's Chip.

11 [Laughter.]

12 MR. CAMERON: Thank you very much, Roland, and it's really a
13 pleasure for me to be with this group again to facilitate the meeting
14 because this is a great group of people. And I'm pleased to be here.
15 And my role generally is to just help you have a more effective, more
16 productive meeting, and specifically that means keeping the meeting on
17 schedule. That's one of the areas where I did not do such a great job
18 in Los Angeles. I think we're still -- the meeting in Los Angeles is
19 still going on probably.

20 [Laughter.]

21 MR. CAMERON: Is Carol Marcus here? But to also keep the
22 discussion focused and relevant, to clear up any ambiguities that might
23 be in any of the presentations or any of the discussions so that
24 everybody understands what we're talking about, and to also try to help
25 you develop recommendations in particular areas or action items for the
future and who's responsible for carrying out those action items.

1 The ground rules are pretty simple for the next couple of
2 days and ones that you're familiar with. You have these great name
3 tents in front of you. And if you want to talk, just stand your name
4 tent on end like this, and this will help us to not only get a real
5 clean transcript, it will help John over there who's transcribing this.
6 But it will also relieve the pressure on you to keep raising your hand
7 constantly or keeping it up or whatever.

8 And as Roland said, I think that for the first few times,
9 maybe state your name. But one of the ideas behind having you with the
10 name tents in your seats is so that John knows where you are. He knows
11 who is at that seat. So that I think that after this morning, maybe you
12 can just -- if you keep the same seats, and I know that someone is going
13 to slip this in on us here. Just put your name tent up, and I'll
14 recognize you and we'll get you on the transcript.

15 We do -- there may be times when we want to follow a
16 particular thread of discussion. So I won't just go and take the name
17 tents as they were put up in sequence. If we have topics that come up
18 that we want to address later on in the program -- in other words, they
19 don't fit in the area we're in, we'll put those in the paddock and save
20 them until later on.

21 We do have a tight schedule, and I know that we want to hear
22 everybody talk. So in particular areas, if we have to move on, we'll
23 also note that in the paddock over there, and we'll come back at the end
24 of the day or beginning of the next day and try to address those issues.

25 And in terms of requests, I would just say participate.
There's a lot of good ideas that people have that we hear in the

1 discussions at dinner and on the breaks. And don't be bashful. Let's
2 put some of those ideas on the table and, to sort of take a line from
3 Commissioner Diaz's presentation, stand out and point out where the NRC
4 has to make some adjustments. Be open and be candid.

5 And I don't know if any of you noticed, but the Thomas
6 Institute of Hypnosis is also meeting here.

7 [Laughter.]

8 MR. CAMERON: So if we need to recalibrate any of the NRC
9 staff, we can take them over there.

10 [Laughter.]

11 MR. CAMERON: And I guess with that, the only reason I'm out
12 here now trying to not fall over a wire is we don't have perhaps as many
13 mikes as we should. But the audio people have gotten us some additional
14 mikes which will make it easier. But we really do need to speak in the
15 mike for purposes of the transcript.

16 So what I'm going to do is I've got a long cord on this, and
17 I'd like each of you at least let's go around and introduce ourselves
18 and where we're from, and I'll just pass this down. And I'm going to
19 start with Cheryl, all right.

20 MS. ROGERS: Cheryl Rogers, Nebraska, and I'm currently over
21 the rad materials and low level waste program.

22 MS. RODGERS: Alice Rodgers, Texas Natural Resource
23 Conservation Commission with jurisdiction over low level radioactive
24 waste disposal.

25 MR. WHATLEY: I'm Kirk Whatley, State of Alabama.

MR. WANGLER: Ken Wangler from North Dakota.

1 MR. SINCLAIR: Bill Sinclair with the Utah Department of
2 Environmental Quality.

3 MR. RATLIFFE: Richard Ratliffe, Texas Department of Health.

4 MS. TEFFT: Diane Tefft, New Hampshire Department of Health
5 and Human Services.

6 MR. HALLISEY: Bob Hallisey, the Massachusetts Radiation and
7 CRCPD Program, the newest agreement state.

8 [Applause.]

9 MR. BOSCHULT: Larry Boschult from the Nevada Health
10 Division.

11 MR. SNELLING: I'm David Snelling from the State of
12 Arkansas.

13 MR. O'KELLY: Pierce O'Kelly, Radiological Health in South
14 Carolina.

15 MR. COOPER: Vic Cooper from Kansas.

16 MR. GOFF: Bob Goff, State of Mississippi.

17 MR. NANNEY: I'm Eddie Nanney, the Tennessee Division of
18 Radiological Health.

19 MR. JACOBI: Jake Jacobi from Colorado.

20 MR. WASCOM: Ronnie Wascom from Louisiana.

21 MR. STEPHENS: Mike Stephens from Florida.

22 MR. CAMERON: Okay, thanks, Mike, let's go over to Jay and
23 then down this way.

24 MR. HYLAND: Jay Hyland, State of Maine, new program manager
25 for the Radiation CRCPD Program and what used to be the newest agreement
state until we were upstaged by Mr. Hallisey.

1 MR. BRODERICK: Mike Broderick from the Oklahoma Department
2 of Environmental Quality, hopefully the next agreement state, although
3 Roger may have something to say about that.

4 MR. KLINGER: My name is Joe Klinger with the State of
5 Illinois. Some people say Illinois, but it's really Illinois.

6 MR. SUPPES: Roger Suppes, Ohio, the next agreement state.

7 MR. FLETCHER: Roland Fletcher, State of Maryland, and they
8 do remind me that I'm with the State of Maryland, not just the OAS.

9 MR. GAVITT: Steve Gavitt, New York State Department of
10 Health.

11 MR. LISHAN: Gene Lishan, New York City Department of
12 Health.

13 MS. STOECKEL: Marie Stoeckel, Rhode Island.

14 MR. HILL: Tom Hill, Georgia.

15 MR. GODWIN: Aubrey Godwin, Arizona Radiation Regulatory
16 Agency.

17 MR. JEFFS: Vicky Jeffs, Kentucky, the oldest agreement
18 state -- the most mature agreement state.

19 MR. AUBREY: I'm Virgil Aubrey with the Bureau of Land and
20 Waste Management of South Carolina, Radioactive Waste Management
21 Division.

22 MR. LEVIN: Stuart Levin, Pennsylvania Department of
23 Environmental Protection.

24 MR. BAILEY: Ed Bailey from the disagreement State of
25 California.

 MR. RAZEE: Terry Razee, State of Washington.

1 MR. PARIS: Ray Paris of Oregon.

2 MR. PADGETT: Aaron Padgett, North Carolina.

3 MR. CAMERON: Okay, great, and thank you all.

4 Unfortunately, we can't introduce everybody out there. But I think we
5 have people from also other state representatives, NRC representatives.
6 Some poor person from the EPA is out there. And we will on Saturday
7 morning session on Part 35 be joined by a number of people from the
8 medical community, and we will definitely go out to the audience for
9 comments.

10 And to the extent that we can do that, we will do that today
11 at the end of the session. And before we get started with our first
12 presentation, I see that Roland has a comment. So go ahead.

13 MR. FLETCHER: I just want to ask any representatives from
14 states that have applied for agreement state status that are in the
15 audience, would you please introduce yourselves.

16 MR. CAMERON: Judith, why not -- Judith, go to the mike if
17 you can. That will be helpful.

18 MS. BALL: I'm Judith Ball. I'm from the Radiation Program
19 in Minnesota, and I hope in a couple of years we will be sitting at the
20 table with you.

21 MR. CAMERON: Terrific. We'll look forward to that.
22 Anybody else out here?

23 [No response.]

24 MR. CAMERON: Okay. Just one program note for this morning.
25 At 11:40 today on your agenda, we were supposed to hear industrial
radiography certification from Ruth McBurney of Texas. We're going to

1 have Hampton Newsome and Virgil Autry -- Aubrey. Sorry, Aubrey.
2 Virgil, do you want to do this? I guess -- okay, Virgil is going to do
3 this. All right. I'm sorry about that.

4 Aubrey and Hampton are going to do the 9:50 presentation on
5 Friday at that slot. The status of SDMP Unilateral Transfer, et cetera,
6 et cetera.

7 Okay, I think our first presentation is going to be a real
8 interesting one and a real positive one for everybody for the future.
9 And Keith Dinger who's president of the Health Physics Society is going
10 to talk about Health Physics Society agreement state issues.

11 And Keith, you can use the podium or come up, whatever
12 you're more comfortable.

13 MR. DINGER: Thank you, Chip. How does this sound,
14 everybody? I want to start out by answering the question you had as to
15 why am I here. And I'll tell you that the reason I'm here is because I
16 asked if I could come, and I want to thank Roland for responding to my
17 invitation and my good friend and insider, Diane, making it possible for
18 me to come and address you this morning.

19 Now why did I ask to come and talk to the Organization of
20 Agreement States? The Health Physics Society actually about six years
21 ago decided that the state of our profession was changing, and the needs
22 of our members was changing to where the Society had to become much more
23 extroverted in its efforts and its involvement in our science. That is,
24 the science of radiation safety.

25 And so we did start about six years ago throwing money at
the issue, went through a number of consultants to help us become

1 experts in public affairs. We learned our lessons. Our lessons learned
2 were that you don't need to throw money at it. You just have to have a
3 little more thoughtful approach.

4 And so over the last two years really we have reorganized
5 the Society's public affairs program and our involvement in our
6 profession of radiation safety out in the public.

7 Well, what that has led us to do is to become more involved
8 at the legislative and regulatory agencies. Now, last year Otto Robbey
9 was really our media past president was the one that really got us on
10 track with our new program, and our program really is focused in two
11 areas. One is that we have hired a public affairs firm -- not a lobby
12 firm, but a public affairs firm to introduce us to Congress.

13 And last year, that public affairs firm was very effective
14 in getting Otto Robbey into Congress and to be involved in a number of
15 the radiation safety issues that Congress was dealing with last year and
16 which are certainly carrying over into next year.

17 You heard Commissioner Diaz this morning say that Congress
18 has a number of issues on its docket that directly relate to our job of
19 protecting the public and the environment from radiation. And we intend
20 to be involved in those issues.

21 The second part of our reformed public affairs approach,
22 though, is to also have a dialogue and involvement with the regulatory
23 agencies. And to do that, we have established a new position in the
24 Society of a regulatory agency liaison, and that's Dr. Bill Mills. Many
25 of you probably know Billie. He served in just about every regulatory
agency that Washington, D.C. has at some point or another, and for that

1 reason he's well known, okay, and that was the main reason that we asked
2 Billie to be our liaison.

3 A little bit of the liaison with the regulatory agencies
4 occurred last year. I just really kind of focused on Congress. But in
5 my president elect year, as I started looking ahead to this year when
6 I'm president, I looked at the programs that I was interested in doing.
7 It struck me that I really have a much more personal interest in the
8 regulatory agency end of the business.

9 And it might be because I spent 26 years in a rather
10 forceful closed regulatory environment in the Navy Nuclear Propulsion
11 Program. And I came to the conclusion that for the majority of our
12 members, the day-to-day aggravations or their joy comes from not what
13 the legislators do. It's not what the laws say. But it's rather how
14 the regulatory bodies take those laws and implement them.

15 And so I think that there is a much more benefit for the
16 Society to be involved in the regulatory issues and regulatory agencies
17 than it is with the legislators, if you will. However, the legislators
18 are important. We are certainly continuing and trying to expand our
19 involvement there.

20 But my agenda for this year was to expand the Society's
21 communications involvement with the regulatory bodies. And when I got
22 looking at what we had done last year, Otto had visited with at that
23 time the three commissioners -- had visited with them once, and visited
24 with the EPA, Larry Weinstock, a couple times. But that was pretty much
25 the extent of our regulatory agency involvement.

1 In looking at the agencies we had gone to, it struck me that
2 there was really a very large body that was missing on those lists of
3 agencies that we wanted to go visit, and that was the Agreement States.

4 It's clear that the states represent probably the largest
5 regulatory agency for the largest number of regulated materials that
6 we're interested in working on, okay. And so, therefore, it's that
7 reason that I asked if I could come and speak with you this morning.

8 I also approached the Conference Radiation Control program
9 directors, and Steve Collins and his board was kind enough to allow me
10 to come meet with him two weeks ago in Washington. And so, for Steve
11 and Bob and those that were at -- Paul and some of those that were at
12 the CRCPD Board, I apologize for any redundancy. But the message is
13 much the same.

14 But it is the agreement states that I really want to share
15 with you some comments and some thoughts on the Health Physics Society's
16 involvement in your business because you're involved in our business.

17 What I'd like to cover, then, and I'd like to do it very
18 quickly, I asked if I could have 15 minutes to lay out some issues on
19 the table, and I hope there would be about 15 minutes to get the
20 feedback because I truly came here to have your questions and to have
21 your feedback on a couple of the issues that I'm going to bring before
22 you.

23 What I want to do is to very quickly give you where I see
24 the state of our profession, and that profession is the profession of
25 radiation safety. Where I see that at these days, where our members
are, and where the profession is heading over the next decade or so.

1 Then I'd like to share with you a few of the initiatives
2 that the Society is taking to address some of the issues that that state
3 of the profession message brings up.

4 First of all, the state of the profession, then. What we
5 are finding in our Society, in our membership and in our business is
6 that the profession of radiation safety is becoming much more
7 operationally oriented. Marv Wolman used to say we've answered our
8 questions, you know, that were there in 1954 when it was an exciting new
9 science to have all kinds of opportunity for research and some brand new
10 research to take on and issues to answer.

11 A lot of those questions are answered, and we are now in the
12 process and in the business of applying what we've learned since 1954
13 when we started the Health Physics Societ if you take that as the start
14 of the institutionalization of radiation safety, then what we're finding
15 is that we have to now apply all that knowledge that we gained.

16 And it's in the implementation that we are finding our
17 members spending their livelihoods. We also are seeing that with the
18 reorganization of America that we are moving in radiation safety towards
19 a generalization away from a specialization that we really have enjoyed
20 over the last 40 years, a specialization in our professionals and our
21 members being specialized in the areas devoted to radiation safety.

22 However, with reorganization, you can't just be a specialist
23 any more. You have to be a generalist. We're seeing much of our
24 business, much of your regulated business being done by general safety
25 personnel. You're finding the industrial hygienist getting radiation
safety as the collateral duty these days. You're finding much of the

1 radiation safety business being done by safety engineers and
2 environmental engineers.

3 The reality is that we're not going to stop that or go away
4 from it. And so it's the challenge of the Society who is concerned with
5 that specialization in radiation safety to learn how to respond to where
6 the profession is going, and that's what we're trying to look at and do.

7 The Society has a concern that with the more generalization
8 in safety, we are worried about the quality of the professional
9 oversight of radiation safety as it gets mired into all these safety
10 programs. And so it is the maintenance of this professional excellence
11 that we are very interested in addressing and trying to be a part of
12 making sure that the groundwork that we've laid over these last 40 years
13 doesn't go away because of some reorganization of jobs and professions.

14 Those of you that are not in the Society or didn't have an
15 opportunity to attend chapter meetings last year when I went around and
16 visited our chapters, my message or at least the nature of my message
17 was to bring to the membership a number of issues that I wanted to know
18 how our members felt so that I could then this year hope to work on
19 initiatives that they thought were in the right place.

20 And in order to do that, what I did was I took a survey.
21 And so I'd throw out assertions and ask them to vote on the assertions.
22 And I also threw out some proposed plans and asked them to vote on the
23 proposed plans.

24 One of the survey questions that I had was this. My
25 assertion was that the Health Physics Society has an obligation to

1 provide support to radiation and radioactive material users to assist
2 them in maintaining safety and control of their sources.

3 Now 95 percent of the attendees at the meetings agreed that
4 that is a Society obligation to be involved in helping those people that
5 have their hands on the sources to do it correctly and do it
6 professionally. That 95 percent rating, by the way, was the highest
7 rating of any assertion that I'd made. So I took that as a unanimous
8 vote.

9 How is it that the Society, then, might be able to help meet
10 this obligation? That is, to help people do their job professionally in
11 the protection of the people and the environment from radiation. I
12 offer that there's three broad categories that the Society currently in
13 its infrastructure has and is important to you as a regulator, and I'm
14 going to get to the question of why is this important to me sitting here
15 this morning.

16 The Society primarily -- I think the major advantage that it
17 has or the major thing that it has to offer to our profession is the
18 ability to network. Our profession is just so complicated. There are
19 so many individual areas that no one can be an expert in all of it.
20 There are those that will say they are, but there's no one that could be
21 an expert in all areas of radiation safety and health physics.

22 And so it becomes very important that we have a networking
23 ability to go find the right answer from the right person when a problem
24 comes up that we aren't the specialist in addressing.

25 The Society, I offer to you, is the premiere vehicle for our
profession for radiation safety professionals to network and find out

1 what others are doing and get in there and help. That's exactly why
2 you're here this weekend is to network with your peers on issues related
3 to agreement state issues.

4 Well, I offer that this important networking that you're
5 doing needs to be done on a daily basis throughout all those people that
6 have responsibilities for radiation safety. And I offer that the
7 Society right now is the best general networking opportunity that there
8 is for all of these radiation safety people.

9 We as a Society offer, I think, some of the best training
10 opportunities for just training people in radiation safety. And we are,
11 as I already alluded to, becoming much more involved and, therefore,
12 giving our members a voice in the legislative and regulatory issues
13 which affect radiation safety.

14 So for those reasons, I offer to you that the Society has an
15 important function to play in radiation safety over the next decade or
16 so. Well, let me share with you some initiatives that we are taking as
17 a Society to help meet this obligation, helping to see that those that
18 are charged with the protection of people and the environment are able
19 to do it to the best of their ability.

20 And a number of the initiatives revolve around membership.
21 The reason that we are doing a number of membership initiatives -- I
22 want to start out this message with this statement, and I'm going to end
23 with this statement -- does not have anything to do with the need to
24 have more people or more dues collected. We are not interested in
25 building membership for the sake of membership.

1 The reason there are, however, a number of initiatives being
2 driven in the membership area is because we see the only way to offer
3 these benefits that the Society has to let them do their job better is
4 to have them at the trough and able to drink out of the water that we
5 can put in the trough for them.

6 And so we are working to become more inclusive in our
7 Society membership for the sole purpose of including all of those that
8 can benefits from the products that we have to offer. And so in an
9 attempt to become more inclusive, we have started a number of
10 initiatives.

11 We first of all have changed our membership qualifications
12 in a number of areas. We have recognized, for example, NRRPT, National
13 Registry of Radiological Protection Technologists. Registration with
14 the NRRPT is being a de facto qualification as a planary member in the
15 Health Physics Society.

16 We have started a new classification of member. It's called
17 a section member. A section member classification was developed and
18 created solely for the purpose of trying to make it more attractive to
19 include those that have radiation safety responsibilities but don't
20 think they're a health physicist. They don't do big old research, and
21 so that they don't have to belong to the Health Physics Society.

22 And so we're setting up this classification that is geared
23 to having members be able to join one of our technical sections. It is
24 a member classification of the Society, but it is a member of a
25 technical section. And in that regard, then they would only really be
really networking with and involved in those that have the same

1 technical focus in the areas that they're working in. And this is all
2 with the intent that section membership is cheaper, and that it's less
3 -- dues are smaller than are the full dues of planary or associate
4 member.

5 Right now, the one section that has adopted the section
6 member is our newly formed Radiation Safety Operations Technical
7 Section, RSO Section. We have started a recruiting effort for RSOs --
8 radiation safety officers. We have two weeks ago sent out 17,000
9 brochures to RSOs that appear on state and NRC license material --
10 licensees.

11 Now unfortunately we weren't able to pull out the current
12 members off that list. And so out of the 17,000, you know, about 3,000
13 or 4,000 are members already of the Society. But to the rest of them,
14 the message is that we have a product that we think will help them do
15 their job better, and we are waiting to see how that recruiting effort
16 comes out.

17 One of the other big initiatives that we're doing is
18 expanding our liaison effort. We recognize that with this
19 generalization we are finding, for example, industrial hygienists,
20 safety engineers, environmental engineers doing radiation safety.
21 They're doing our profession.

22 And so what we need to do is to get them involved in the
23 professional society that supports that function. And so we have
24 expanded our liaison functions. I have appointed a special liaison to
25 industrial hygiene committee community. Jessie Conoyer from Battelle is
spending almost his full time at his wife's dismay in getting the Health

1 Physics Society's industrial hygiene community talking better, and we're
2 doing some liaison. Jessie's already gone to the ACGIH-TLV Physical
3 Agent Committee and helped with the rewrite of their TLVPA document on
4 ionize and radiation.

5 So these liaison efforts are expanding. Now I want to end
6 up by saying what I started with, and that is we're not interested in
7 recruiting for recruiting's sake. In fact, I'll share with you that the
8 section member classification, it turns out that what we're charging for
9 dues is all the dues are directly accountable to products that are given
10 to the members, and none of it -- five bucks out of the dues from the
11 section members goes towards the support of the organization and its
12 overhead function.

13 So the planary and associate members, if you will, are
14 underwriting section membership to help bring them in. And so I'm not
15 here as a telemarketer to try to get you to sign up to something
16 different and new. But I am here to share with you that the Society
17 sees the need to get -- be inclusive of those that are doing the
18 business.

19 So what's that mean to you as the regulators at agreement
20 states? Why have I bored you with all of this? As a regulator, I know
21 that you want to have your licensees or those that you regulate do their
22 job the best they can. Now I'm going to make a contention and not
23 expand upon it, but I'm going to make a contention that membership in
24 the Health Physics Society or in a professional organization -- but I
25 offer the Health Physics Society as the organization related to this
issue, radiation society -- that membership in a professional

1 organization like the Health Physics Society is a demonstration of
2 professionalism above those who do not belong to professional societies.
3 And I offer that those that belong to a professional society like the
4 Health Physics Society is able to tap and benefit from that membership
5 so that they can do their job better. And you as a regulator want
6 people to do their jobs better.

7 And I'm offering to you that it is therefore in your
8 interest to look for your licensees who in fact are professionally
9 involved in this issue of radiation safety and not just treatment as a
10 collateral duty that it's a ping on their resume.

11 So what do you mean? What can you do about it? Well, as a
12 regulator, you have responsibility of going in and judging the
13 competence of your licensee on a regular inspection basis. Now I'm not
14 dumb enough to think that you're going to go write a regulation that
15 says to be an industrial radiographer, you have to belong to the Health
16 Physics Society. I do offer this, though.

17 When you go evaluate licensees and you look at programs, you
18 have your criteria and checklist. But as we are more and more moving to
19 the performance-based way of regulating, you have to develop a gut feel
20 as to whether that licensee is good. You walk in with, yeah, this
21 basically is sound. Now let's get down to the nitty gritty. I offer to
22 you that some of those things that help build that gut feeling, one of
23 those things could be are these people professionally involved and
24 interested in the business of safety.

25 And so I would offer that you look and see whether radiation
safety officers and your licensees are in fact involved in professional

1 stuff like the Health Physics Society. There's another part of this
2 membership issue, and that's your own involvement in the Health Physics
3 Society.

4 We did a balance of the CRCPD membership rules against the
5 Health Physics membership, and we found that 35 percent of CRCPD members
6 were members of the Society, leaving, of course, 65 percent that were
7 not members. That's not as good as the sitting commissioners. Forty
8 percent of the sitting commissioners are members of the Health Physics
9 Society. I'm sorry that Mr. Diaz wasn't here to hear that. He's our
10 newest member.

11 In fact, as an aside, Commissioner Diaz -- I first met him
12 when I was at the Virginia chapter last year. I went to visit the
13 Virginia chapter of the Health Physics Society for their meeting. It
14 was a weekend meeting, and it was joined with the American Nuclear
15 Society Section. Well, Commissioner Diaz is very active in the American
16 Nuclear Society. And so he was down there because as a section member
17 he was down to the meeting. And so he was there to hear my talk about
18 regulatory burden and other things.

19 And one of the things in my talk I ended up doing is having
20 people who were not members of the Society raise their hand. And when
21 their hand is raised, my accomplice which is my wife ran around with
22 applications and stuck an application in their hand. Well, after the
23 meeting, Commissioner Diaz came up and introduced himself, and he said
24 -- he had an application in his hand. He said, "I'll make you a deal,
25 Keith." He said, "I'll join your Society if you promise to come see me
twice in the next year." And so as of last month, Mr. Diaz was a member

1 of the Society, and so I now have Bill Mills is calling his office as we
2 speak today to get and see him next month.

3 But your membership -- you being a member of a professional
4 society, I offer, is also important. One of the most common comments
5 that I got out of my visits to the chapters was mostly the chapter
6 membership was made up of users -- more users than regulators. One of
7 the comments they made was the regulators and inspectors don't know
8 anything about health physics. They don't understand our business.

9 Well, I offer that to help counter that is if you belong to
10 the professional society that is furthering this business, that that
11 kind of complaint ought to start going away. And in fact, it was in two
12 agreement states where there were members from the Bureau of
13 Radiological Health in these agreement states at the meeting and had
14 been actively involved in these two different chapters where I got no
15 response to regulatory burden being an issue. Nobody thought it was.
16 And I offer that that's indicative of the regulator/users communication
17 that helped resolve that kind of feeling.

18 Among the Organization of Agreement States, you're better
19 than CRCPD as a whole in that I count among the 35 agreement states and
20 those that have letters of intent, I could that 54 percent of those
21 states have a director who is a member of the Society, and I think
22 that's very good.

23 I would offer to the other 46 percent the opportunity to
24 review whether in fact it wouldn't benefit from helping in Society
25 business.

1 I want to take a minute to talk about regulatory burden, and
2 then I really want to just turn it over and have you ask questions about
3 the Society or anything that I've said.

4 But the reason I want to talk about regulatory burden was
5 that last year Otto Robbey, after taking his visit to the chapters, came
6 to the board of directors in the Society and said, well, one thing that
7 I carried out in my meetings with these chapters is that our members
8 consider that radiation and radioactive material is not being allowed to
9 be used for the benefit of the public because of regulatory burden.
10 We're being driven out of business by regulatory burden.

11 Well, it struck me if that's true -- if that is true -- and
12 I offer that I didn't take it on face fact that it was, but if it was
13 true, certainly the Health Physics Society had a very important interest
14 in being involved in that issue of regulatory burden.

15 And so I have addressed this with the membership in my
16 surveys. And in general, about 85 percent of the members feel that
17 regulatory burden is an issue, and that the burden is in fact perhaps
18 preventing the beneficiary use of radiation radioactive material to the
19 public benefit of our country. So we need to be involved in that.

20 My one assertion was that in a regulatory environment --
21 first of all, my assertion was we have to have regulators, and about 75
22 percent agreed with that.

23 [Laughter.]

24 MR. DINGER: And I still -- the other 25 percent I count as
25 not knowing. Actually, they may have been the regulators in the group.
I don't know. But anyway, we have to have regulation. And so my

1 assertion was that in the regulatory and need for a regulatory
2 environment, the best way to operate is to have both sides of the issue,
3 the regulators and the operators understand the pressures and
4 responsibilities of the other side because they don't have the same job
5 function.

6 To understand the other side, and then to communicate and
7 professionally resolve such that we have reasonable regulations that
8 meets the needs of both parties. So the need to communicate was one of
9 the major assertions that got a large agreement, and that is another
10 major reason why I wanted to come this morning was to open the lines for
11 communication for you as a representative regulatory body to the larger
12 part of our membership which represent primarily users and operators.

13 The Health Physics Society offers some unique opportunities
14 for this communication to take place. We do have regulators in the
15 Society, and obviously we have users and licensees. And we have a
16 number of vehicles such as the monthly newsletter where we offer a good
17 forum for this interchange to take place.

18 There's been some excellent interchanges on contentious
19 regulatory issues, okay. The EPA decommissioning rule has had some good
20 point/counterpoint articles in the newsletter. Charlie Willis
21 introduced the KI issue which I think is going to be on you all's
22 plates, if not today, at least over the next year.

23 The Society offers a good forum for this kind of
24 interchange. And so I'd offer that's another reason for all parties to
25 be involved is to help with this cross-communications.

1 One thing I have done in response to polling the members is
2 I've formed an ad hoc committee this year to see how this works. It's
3 an ad hoc committee on regulatory burden oversight. It's a committee
4 that is composed of some of what I would consider to be our higher level
5 members. They're all fellows of the Society. Two of them are past
6 presidents of the Society.

7 And the purpose of this committee is to take input from
8 members who think that there is a regulatory requirement -- and I want
9 to say that regulatory in this case is defined very broadly and it
10 includes scientific committee recommendations, regulatory codified
11 requirements, regulatory enforcement actions, that is, interpretations
12 of the codified requirements. It allows members to present to this
13 committee any of those categories of issues that they think is a burden.
14 And a burden is defined as making it either very hard or probable that
15 you cannot provide a beneficial use of radiation or radioactive material
16 because of this regulatory requirement.

17 The idea is that the Society as an independent scientific
18 professional organization have a committee to serve as a arbitrator, if
19 you will, on issues that our members say are burdensome. And I see this
20 as being able to work two ways.

21 One is to go back to those members that say this really is
22 wrong and say, you know, we've have looked at it, and it really is not
23 wrong. It's a good reason for it, and you're missing the point. So it
24 goes to our members to help your burden when our members and the opinion
25 of this committee are off track.

1 We also, however, have the job of looking at if in fact
2 there appears to be a burdensome regulation in that category, it's the
3 intent of this committee to take action to address this burden to the
4 appropriate regulatory body. If it turns out that it's something that
5 we think is burden some in, for example, the state regulations, then we
6 would be addressing it if it's a broad issue, looking to address it to
7 you, this body, OAS, and also to the CRCPD.

8 If it's something that's unique to a state, then we would
9 look to come to you, the director of that state, and offer our opinion
10 that there's a burden and, with that, offer advice on how we think that
11 burden can be removed or lessened.

12 I only advertised the existence of the committee last month,
13 and so far have had three inquiries as to whether certain issues would
14 fall into the category of this committee's review. One of them has been
15 submitted. I just got it three days ago. So my committee doesn't know
16 that we have it, but it doesn't relate to any state issues. It does
17 relate to a federal regulatory agency of which there is one
18 representative in the audience.

19 [Laughter.]

20 MR. DINGER: But Jim's a big bully, and so he's going to
21 make it hard for us to talk to him. But I just want to let you know of
22 that initiative so that first of all you can use it. Feel free to write
23 what you think is a burden if you'd like the Society to serve as kind of
24 an independent review panel. But if issues come up and we come and
25 approach you, you'll understand where we're coming from.

 I'd like to stop here.

1 MR. CAMERON: Okay.

2 MR. DINGER: And for any time that's allowed, I'd like to
3 take input. I do have to say that I really appreciate you coming to my
4 state to make it easy to come and meet with you. Thank you for thinking
5 of that.

6 I do have to apologize. Although the venue is extremely
7 convenient, my schedule turned out not to be all that convenient. And
8 so I won't be able to stick around very much.

9 However, I have a direct representative, Ruth McBurney, who
10 is on our Executive Committee who will be here for the whole meeting.
11 And so please bend her ear on anything that I've set her up for in this
12 meeting.

13 MR. CAMERON: Okay, thank you very much, Keith. Let's take
14 about ten minutes for questions and comments to Keith, particularly
15 since this may be an issue -- this liaison issue may be one that the
16 agreement states want to discuss in their business meeting today. But
17 let's focus our comments and questions on this issue of liaison with the
18 Health Physics Society.

19 And Steve Collins, if you want to say anything from the
20 CRCPD point of view, feel free to do that. Let's go to Ed.

21 MR. BAILEY: Yeah, Ed Bailey from California. Keith, one of
22 the things that HPS has done at the local level is participate with
23 state regulatory agencies in putting on conferences. It's very
24 successful. The South Texas chapter in the Texas program. This April
25 we will have in the Northern California/Sierra, Nevada chapters working
with our program to put on a D&D seminar. And I think if the local

1 chapters could be encouraged to approach the regulatory agencies and
2 help to co-sponsor something, I think it would be beneficial to both
3 groups.

4 I routinely go to the HPS meetings, and, like you have
5 indicated, I am always surprised at how few of us there are there. And
6 in the bars, we've even talked about doing a paper which you've already
7 done. All you've got to do is write it. How many of us actually even
8 belong to the Society?

9 I fortunately work for a state that requires that the
10 director of the program be a CHP. So we're trying now to encourage our
11 people to not only be a member of the Society, but become certified by
12 trying to get a bonus in their salary if they are certified.

13 MR. DINGER: Good. Actually, I have a suggestion, Ed. The
14 Health Physics Society depends very heavily on our chapters to do our
15 work. I have written a letter to all chapter presidents asking them to
16 join up with their local AIHA chapter. That's part of that liaison.

17 Your suggestion about contact the state regulators and hook
18 up with them is excellent, and I will send a letter on that regard.

19 MR. CAMERON: Okay. Let's go to Aubrey.

20 MR. GODWIN: Aubrey Godwin, Arizona. Initially, you alluded
21 to that you might want to get some action going in the potassium iodide
22 issue. There's a lot of work being published now in European journals
23 about the sensitivity of the young to the radiation exposure from the
24 iodides from the Chernobyl event, and they're indicating in some places
25 that exposures on the order of one Rem to the thyroid could double the

1 risk of a cancer formation in the thyroid, and up to ten Rem maybe as
2 much as 100 times greater.

3 Those are pretty significant numbers, and I know that's not
4 exactly in accord with some of the policies you all have adopted in the
5 past. But it would be good to get the Society to do some sort of peer
6 review the states are eventually going to have to look at this issue
7 again in regard to their reactors and how they develop a protective
8 action plans around them.

9 So that kind of service would be a great help to the states
10 not only the regulator type, but also the emergency response types.

11 MR. DINGER: Okay, thank you. We actually have started to
12 look at that issue. Let me say for those that aren't familiar with our
13 structure, our bylaws require certain requirements for somebody to speak
14 as a spokesman of the Society as a whole. And the way we have that set
15 up in our rules and bylaws is we have a committee. It's called the
16 Scientific and Public Issues Committee. It's made up of the
17 president-elect, president and then the three most immediate past
18 presidents make up that committee.

19 That committee is given authorization to speak on behalf of
20 the Society by making position statements. Other than that, all of us
21 come out and carry perhaps a hat as an officer in the Society but don't
22 have the authority to speak on behalf of all of our members.

23 With the issuance of NUREG 1633 which I think all of you are
24 probably familiar with, the draft NRC technical document on the
25 implications of the general distribution of KI in the case of a severe
reactor accident.

1 I actually drafted a proposed position statement from the
2 Society on KI. It did not pass the vote of the SMPIC because there was
3 two members that wanted further debate and discussion on the issue. And
4 so we are looking at that issue. I suspect we won't come up with a
5 position statement if we can agree on a position -- won't come up with
6 one until our midyear meeting in Albuquerque in January.

7 I did write as a sort of help who happens to be president of
8 the Society a letter to Dr. Congill making comment on NUREG 1633. And
9 if the proposed rule comes out before we get a position paper written, I
10 expect to write a comment as the president but not on behalf of the
11 Society on the issue. So thank you. That is the kind of issue we're
12 interested in being a part of the discussion.

13 I will say right now the discussion is that we can't agree
14 within the committee that has to agree

15 [Laughter.]

16 MR. CAMERON: Okay, Keith, you've heard a couple of
17 suggestions about how you could work more closely with the agreement
18 states. Did you have any specific recommendations in mind for the
19 agreement state consideration on how there should be a closer liaison?

20 MR. DINGER: Yeah, thank you, Chip. The only suggestion I
21 have is -- and I have thought that -- I'll tell you what my intent is,
22 is to write a letter to the Board of the OAS and ask them to assign and
23 identify a liaison from OAS to the Health Physics Society.

24 We have a Liaison Committee. We have a list of those
25 organizations we liaison with. We have a formal liaison, for example,
with the CRCPD, okay. Steve Collins is their current liaison to the

1 Society. I think OAS ought to be an organization on that list. And so
2 I was going to ask if they would identify somebody.

3 MR. CAMERON: Okay, thank you.

4 MR. DINGER: But outside of that, I'd just ask for you to
5 consider, you know, the role that this Society can play to be a part of
6 your job which is getting harder every day.

7 MR. CAMERON: Okay. Thanks, Keith. And Roland, you don't
8 have the letter yet, obviously. But if you want to talk about it at the
9 business meeting, that might be a good issue.

10 Steve Collins, do you want to say anything from the CRCPD
11 perspective?

12 MR. COLLINS: As chair of the CRCPD, I did go to the Health
13 Physics Society meeting or at least a portion of it this summer and did
14 serve that function. But Pierce O'Kelly has been designated as the
15 official liaison now between CRCPD and the Health Physics Society even
16 though both of us may share some of these functions depending on the
17 meeting at the time.

18 MR. CAMERON: Thank you very much.

19 MR. DINGER: I would offer Roland in discussing the request
20 for a liaison, we have a liaison luncheon at our annual meeting every
21 year, and the menu is usually always fillet. So fillet mignon.

22 [Laughter.]

23 MR. DINGER: So that might help in the selection.

24 MR. CAMERON: I won't ask where that meeting is. But
25 someone else? Oh, Pierce, all right.

1 MR. O'KELLY: I just wanted to let everybody know that I
2 have been serving as a liaison, and I've been working real close with
3 Jim Tripides and have been also placed on the Rules and Regulations
4 Committee of the Society to help keep things going between the CRCPD and
5 HPS especially in the areas of regulation and legislation.

6 MR. DINGER: Bob, we do have a Legislation and Regulation
7 Committee which Bob is helping. They've become under Jim Tripides who's
8 at the University of California at Irvine, very active in tracking and
9 being involved in the regulations. It's under his committee that we've
10 been involved in the tenancy of R. 35 rulemaking process. In fact, Ed
11 Bailey represented us in San Francisco.

12 But the other requests for formal liaison are under our
13 Liaison Committee. So you get invited to lunch.

14 MR. CAMERON: Okay, thank you very much, Keith.

15 MR. DINGER: Thank you for your time.

16 MR. CAMERON: Okay. We're going to move on now --

17 [Applause.]

18 MR. CAMERON: We're going to go to Bob Hallisey who's making
19 his way up to the podium now to hear about the New England Radiological
20 Health Committee. Bob?

21 MR. HALLISEY: Good morning, everyone. And I just want to
22 echo Keith's comments. I've been an active member of the Health Physics
23 Society probably longer than I want to remember, back in the early
24 1960's. And our program and many of our program members are on the
25 local chapter's board, and it's one good way to get your message out to

1 the membership by getting active with the local chapter, staying active
2 and participating in the meetings.

3 This morning for a few minutes, because we are running a
4 little bit late as I can see, as the oldest most mature, Vickie, member
5 of the New England Compact in the New England Radiological Health
6 Committee, I asked Roland if I could take a few minutes to tell all of
7 you about something about which we are very extremely proud, namely, the
8 New England Radiological Health Committee, commonly known as NERC.

9 Now this committee is made up of radiation control program
10 directors from each of the six New England states and the regional
11 representative from FDA and from that other agency of which there is one
12 person present, and that is the reason he is here, Jim Cherniak, EPA.

13 The committee was statutorily created through legislation in
14 each of the six New England states by means of what is known as the New
15 England Radiological Health Compact. Now in the mid 1960's when all six
16 of the New England states -- and they are Maine, New Hampshire, Vermont,
17 Massachusetts, Rhode Island and Connecticut, in case some of you don't
18 know -- had established radiation control programs, the program
19 directors at that time started an informal policy of meeting at least on
20 a semi-annual basis to discuss issues of mutual concern.

21 These informal meetings at that time very often took place
22 at the core of New England, the City of Boston, Massachusetts which
23 Diane did not mention this morning. At that time, the Radiation
24 programs in Maine, New Hampshire, Vermont and Rhode Island had one or
25 two or three people in them, whereas Massachusetts and Connecticut had
about eight or nine people.

1 The program directors came up with a clever way of working
2 together to ensure that all of the New England programs would be
3 strengthened, properly educated and have sufficient resources to carry
4 out and accomplish their missions.

5 For some of you old timers here, these founding fathers were
6 Jim Fuller from Maine; Forest Bumford from New Hampshire; Harry Ash in
7 Vermont; Art Huebner from Connecticut; Dr. Jim Derry from Rhode Island,
8 and Jack Collins from Massachusetts.

9 Yes, although you may find it hard to believe there was a
10 radiation control program director in Massachusetts before Jerry Parker.
11 I at that time was actually a Fed. I was the regional rep for the FDA
12 in the Boston area and was very much involved in the beginning on the
13 formation of this committee. That's how I get the opportunity to
14 present the materials to you this morning.

15 But these founding fathers came up with the idea of
16 developing a model act that would promote mutual aid among the six New
17 England states and allow for sharing of both resources, personnel and
18 information. This model act also called for the creation of the NERF,
19 the New England Rad Health Committee, and for the development of a New
20 England Compact as approved by the legislators and governors of the
21 several party states.

22 The Act was first passed in the wonderful state of Maine.
23 Jay Hyland was barely thought of at that time, I think. It was actually
24 in March of 1967, and Rhode Island followed in April of 1967. And then
25 New Hampshire in July of the same year, and Massachusetts in December of
that year. And Connecticut and Vermont in 1969.

1 The Compact became official with the passage of the second
2 cooperative state. The compact was signed into law, and each of the
3 states follows essentially the same format as developed by the NERC.
4 The compact also allows that any state not mentioned above which is
5 contiguous to any party state in the compact may join by enacting the
6 same legislation.

7 We have spent many years dealing with New York trying to get
8 them to pass the statute there, but they have come to many of our
9 meetings over the years. Now the purpose of the New England compact is
10 to (a) promote the radiological health protection of the public in New
11 England and within the individual party states, (b), most importantly,
12 provide mutual aid and assistance in radiological health matters,
13 including, but not limited to, radiation incidents, and (c) encourage
14 and facilitate the efficient use of personnel and equipment by
15 furthering the orderly acquisition and sharing of resources useful for
16 programs in the radiation protection area.

17 A compact plan has been designed which outlines the manner
18 in which these intrastate mutual aid and assistance and exchange of
19 personnel is accomplished. This plan includes specific information on
20 the channels of communication among the states, the availability of
21 equipment and laboratory capabilities, the procedures for requesting
22 assistance from the party states, and notifying party states of
23 radiological incidents as well as clarification procedures of the loan
24 of personnel and equipment and the obvious financial obligations
25 encountered when you send someone from one state to another.

1 Each compact administrator or designee in which -- and the
2 administrator is actually the chief health officer of each state, and
3 the designees are the radiation control program directors, they have
4 provided the home and office telephone numbers of him or herself and of
5 such staff members as he or she may designate as the emergency contacts
6 for the compact.

7 In addition, they have provided a second channel of
8 communications such as through the state police which is operative under
9 24 hours a day for seven days a week for any emergency contacts, and
10 arrange within his or her state for emergency communications to reach
11 responsible staff members at all times.

12 Each compact administrator has notified the secretary of
13 this above designation, the secretary presently being the representative
14 of that federal agency that wishes to remain anonymous. And this
15 information is updated at least annually in the plan.

16 Each compact administrator also transmitted to the secretary
17 a listing of all available fields to their equipment including its
18 range, other emergency equipment and a listing of available laboratory
19 capabilities by type of analysis. Such listing is updated annually in
20 the plan and shared among the members.

21 Upon a determination by an administrator or a delegate that
22 a radiation incident has taken place within his or her state of a
23 magnitude sufficient to require some additional resources or personnel,
24 the compact administrator in that state contacts the secretary and the
25 EPA organization to request such aid as deemed necessary.

1 The secretary then has the authority to contact whatever
2 appropriate party states may be needed to assist. Now any state
3 responding to requests for aid under this plan shall operate while in
4 the party's state in accordance with the radiation incident plan of that
5 particular state.

6 Professional training of technical personnel having special
7 skills or training related to radiation protection may be made available
8 to a party state upon request. The state receiving aid or assistance
9 shall reimburse the state rendering the aid of assistance for any loss
10 or damage incurred.

11 I have to tell you that we have utilized the compact in a
12 number of instances. But in all instances, the state sending the
13 assistance has absorbed the cost. So we haven't had to invoke the
14 financial aspects of it.

15 This compact has been used a lot in emergency planning
16 activities since we have two reactors that sit practically on the border
17 of Massachusetts -- one in Massachusetts, Vermont, New Hampshire, and the
18 other one is New Hampshire and Massachusetts. And we also have trash
19 calls and dump calls. John Bunn would know about those. And because of
20 the close proximity of the state, there's a lot of times trash going
21 from one state to another, and we're able to assist each other there.

22 Lost sources, transportation and, most importantly,
23 laboratory breakdowns if one of the small states have some issue with
24 some of their laboratory equipment broken and they can ship the samples
25 to one of the other under the compact, and we analyze them and supply
the data back to them.

1 But early on, our founding fathers also realized that this
2 NERF essentially cried out for some type of annual meeting. The group
3 began formally meeting on an annual basis in 1969, and it was clearly
4 the intent from the beginning that these meetings would be an
5 opportunity for all program staff from each of the six New England
6 programs to get together and meet and discuss areas of mutual concern.

7 As these meetings evolved, they included training sessions,
8 most often by federal agency personnel, but also right from the very
9 beginning included short presentations by staff members from each of the
10 states on projects or surveys or techniques and procedures that they had
11 developed, something new and unique.

12 It was at one of these earlier meetings that Ken Travers,
13 assigned to the State of Vermont, first proposed what then became the
14 general exposure normalization technique which many of you are familiar
15 with. The two-day meetings eventually involved into three and a half to
16 four-day meetings with topic-specific training sessions include
17 representatives now from FDA, EPA, NRC, FEMA and NIOSH.

18 Over the years, with the demise of the regional meetings
19 throughout the country, the NERF routinely has representatives from New
20 York and New Jersey and Canada as well as many other states from time to
21 time in the program. This year's meeting is in two weeks in Portland,
22 Maine, and next year will be our 30th consecutive meeting year.

23 In closing, I would be the first to admit that the reason
24 why the NERF continues to have successful annual meetings is primarily
25 due to the close proximity of all six New England states, the low travel
cost, and, most important, the dedication and intensity of the six

1 program directors and their two federal members to ensure that these
2 meetings and training sessions will continue to be available for all
3 radiation control program staff members in New England and all others
4 who desire to attend.

5 Although we accomplish much on a small budget, the committee
6 had wanted to sponsor this morning's coffee break to make you aware of
7 us and of our activities. And I'd like to ask you to please take a
8 minute during this meeting to let any of the eight members of the
9 committee that are here present know of your feelings about the New
10 England Rad Health Committee and any questions that you might have, and
11 also let us know if you want to be on the mailing list for future
12 meetings. We'd love to have you all come. Thank you.

13 [Applause.]

14 MR. CAMERON: Thank you very much, Bob. There may be a
15 question or comment or two. And I think it might be useful to get on
16 the table whether there are any other similar regional organizations
17 operating around the country. Questions for Bob or comments? Cheryl?
18 Do you want to use -- and could everybody use their card, too, to just
19 discipline you.

20 MS. ROGERS: Bob, in the middle of the country, we have an
21 annual get together courtesy of our EPA regional representative. It's
22 Iowa, Missouri, Nebraska, Kansas. And we have talked about, you know,
23 the fact that we would like to do mutual aid type arrangements, but we
24 don't have anything formal set up. Is there something that you could
25 suggest, or was the impetus to put that statutorily in place?

1 MR. HALLISEY: Yes. We had a model legislation, and I can
2 certainly mail you a copy of it, and you can share with your other
3 states.

4 MS. ROGERS: I guess what inspired the formation in the
5 first place, if you remember?

6 MR. HALLISEY: Oh, well, it was simply because you had six
7 radiation control programs, and four of them had one or two or three
8 members, and the others had six to eight members, and they thought,
9 well, this is sort of foolish. The smaller states are having difficulty
10 getting things done, and the larger states -- I won't say they had extra
11 people hanging around, but they wanted to have the opportunity to share
12 the resources. And that's basically what started it with the founding
13 fathers.

14 MR. CAMERON: Okay, Bob?

15 MR. GOFF: Bob Goff, State of Mississippi. The Southern
16 Energy Emergency Board, we also have a similar group. We meet every
17 year in conjunction with the All Agreements States Program, and I
18 believe we've got -- and I hope I don't leave anybody out, but we've got
19 the states of Texas, Arkansas, Louisiana, North Carolina, South
20 Carolina, Kentucky, Georgia, Tennessee, Florida, and Mississippi, of
21 course. Thanks. And Virginia.

22 It's very beneficial to us, even though we meet just a
23 period of an hour or two. It's beneficial to sit down and just talk
24 about the incidents that occurred in the state and some of the things
25 that we're doing to improve emergency response. And to me, it's always
beneficial.

1 MR. CAMERON: Okay, great. Anybody else?

2 [No response.]

3 MR. CAMERON: Okay. Thanks a lot, Bob, and --

4 [Applause.]

5 MR. CAMERON: As Aaron Padgett is making his way up to the
6 podium, I just want to say that the good natured kidding for the agency
7 that wants to remain anonymous, usually that's reserved at these
8 meetings for our office of general counsel at the NRC. So Hampton and I
9 would both like to thank that agency for being here.

10 Next, Aaron Padgett's going to talk about the Moses Cone
11 Hospital incident. Aaron?

12 MR. PADGETT: Who's controlling the slides? Go ahead and
13 put slide one up.

14 On March 4 of this year, our agency received a call from the
15 Moses Cone Hospital in Greensboro, North Carolina, and basically the
16 call said, "You know those 19 bracket therapy Cesium 137 sources that we
17 have? Well, we don't have then any more. They're gone."

18 And they were right. All 19 bracket therapy sources had
19 disappeared. Well, we immediately asked ourselves what can we do to
20 help. Well, as most of you know, one of the things you do is report to
21 the Nuclear Regulatory Commission and most of the other groups and
22 agencies around the nation what's happened, and we did this. Only, we
23 took a little different approach in making the report because we were
24 not quite ready for this to go out to the world. And for those of you
25 who report to the operational center, you know that as soon as the

1 information goes in, it's put on the Internet, and everybody in the
2 world has access to it.

3 So we did let the NRC know that we'd had an incident where
4 19 sources were lost. But we didn't tell them who the licensee was
5 because we knew that information would be put on the Internet, and,
6 again, we were not ready for that. We were dealing with the local
7 agencies at that point in time. We wanted the local agencies to be very
8 much a part of this planning and recovery effort. And the local
9 agencies did not want that information out at this point in time.

10 So we made a deliberate decision to withhold who the
11 licensee was so that would not make it out to everybody in the world at
12 that point in time. Now in our conversations with NRC personnel at the
13 region, we did go ahead and tell them that this was the Moses Cone
14 Hospital up in Greensboro, but we asked them to hold that until the
15 following day before we put that out to the world. Well, we sat back
16 and did our planning. And as a result of that, you know how these calls
17 come in. This is like three or four o'clock in the afternoon. And so
18 it was really the next day before much was done on this, and we didn't
19 want it on the news that night.

20 The next day, we dispatched two teams to Greensboro. One
21 was to work with with the hospital personnel inside the hospital and on
22 the hospital grounds, and the other one was to work out in offsite
23 areas, for instance, the landfill and the waste water treatment plant.
24 Over the next few days, we looked and tried to ask ourselves how many
25 different ways could these sources have gotten out of the hospital.

1 And, well, so much -- we don't really need the visuals
2 anyway. We worked with the hospital staff trying to identify all the
3 properties that the hospital owned and who might possibly be involved in
4 this incident.

5 We also asked ourselves what additional assistance might be
6 needed as we do this search for these sources. You know, we're a
7 typical state. We have the routine micro R-meters and other things like
8 this that most of you have, the little portable scouts and so forth.

9 But we don't really have a large number of this type of
10 equipment. We don't have anything any more sophisticated than that.
11 And we were quite aware of the DOE capabilities or at least somewhat
12 aware of the DOE capabilities.

13 So in addition to working with the local emergency
14 organizations, the County Emergency Preparedness, the Greensboro Fire
15 Department, police and so forth, we also opened discussions not only
16 with the NRC but with the DOE on what their capabilities are and what
17 they could do to assist in this search.

18 As a result of those conversations, we had the DOE come down
19 to Greensboro, North Carolina and to meet with all the agencies involved
20 in this. Now, as I said before, all 19 of their bracket therapy sources
21 were gone. Now the size of these range from about 10 millicuries up to
22 a little over 60 millicuries each.

23 This slide will show you about the size of each of the
24 little sources, a little less than an inch long and about an eighth of
25 an inch in diameter. So they're fairly small. Now there's a little
over 600 millicuries total activity did not represent a threat to a

1 large community. There's just not enough activity there. But it did
2 and does represent a deadly threat to one or a few individuals in a
3 small area.

4 It also represents, of course, a tremendous public relations
5 problem if those sources were placed in the wrong place. So we had all
6 of those issues to think about. During this time, we are spending a
7 number of hours on the phone, let's say, with people from the Nuclear
8 Regulatory Commission in Atlanta. You know, we were looking at it and
9 doing everything that we needed to do, and we were asking anyone else
10 that we could get what have we missed. Is there anything that you can
11 see that we haven't done that we should be doing because we wanted the
12 best thinking that we could possibly have on that subject. And as I
13 said, we had two teams up there working with the hospital, doing surveys
14 of the hospital property, surveys of the offsite areas that we thought
15 might be of some interest.

16 We even identified routes that someone who removed these
17 from the hospital might take out as they left the city of Greensboro and
18 looked at areas where they may have thrown those sources away so that we
19 could survey and hit those areas.

20 As we looked at this more and more, the hospital had what we
21 would call the typical security that most places of this type have.
22 They had -- next slide. They had a safe that the sources were kept in.
23 Take the mike with me? I don't have a pointer here, so I'll just let
24 you look at that.

25 They have a safe that the sources are in. Next slide.
These are drawers at the safe. And the way the sources are kept is they

1 drill down into those lead drawers, and there's one source per hole.
2 Now it's interesting that they had 18 holes drilled and 18 sources
3 placed in this lid safe. There was also -- next slide, and the next
4 one.

5 There was also one source that had been ordered and had come
6 in in December, a new source. It was still in its pig. All 18 of the
7 sources that were placed in the drawer were gone and also the one source
8 in this pig. Next slide.

9 This is just kind of a shot of several of the different
10 things. But you can see up in the top left up there, there are a number
11 of other sources that were not touched. And next slide.

12 None of those sources were touched. So whoever removed the
13 bracket therapy sources knew exactly what they were doing. They knew
14 what they were after, and they got the 19 bracket therapy sources.

15 Little tidbits of information kept popping up, and it became
16 the leading theory that there was an employee who was trying to embarrass
17 the hospital or an ex-employee, and that fit right into a lot of the
18 things going on in the medical area these days.

19 Moses Cone was buying lots of medical facilities in
20 Greensboro. Some of them were being shut down. Others were --
21 managements were being changed and things like this. So there were a
22 number of people who were fairly perturbed at Moses Cone Hospital
23 Systems and who had reason to dislike the hospital, and also the
24 opportunity for actually doing some mischievous things.

25 As I started to say earlier, Moses Cone had the typical
security system. They had the safe, but the key to the safe is kept in

1 a drawer on a cart down below the safe. The room that the safe is kept
2 in is locked, and that key is kept in a drawer out in the general lab
3 room.

4 And then there's one key that opens the lab door, and, of
5 course about half the world had access to that key. So once you get
6 access to the first key, you just have to know where to look and go
7 right in the rest of the way. And unfortunately, that's fairly typical
8 for the security of sources of this type in a lot of medical facilities,
9 and, again, in this case resulted in all 19 of the sources taking off
10 somewhere.

11 Well, going back to Greensboro and our meeting with the
12 local people. As a result of that meeting, it was decided that we did
13 want DOE to come in. So the next question was what's the best way to
14 get them here. And one route is to activate the Federal Radiological
15 Emergency Response Plan, and that has some pros and that has some cons.
16 We did not want a full activation of that plan. We wanted a directed
17 response with just those services that we wanted delivered. We did not
18 want the full activation of the plan. So we had several discussions
19 with folks in the agreement state office, and I do appreciate the
20 assistance you gave us in keeping that directed so that we got what we
21 wanted rather than what we did not want there.

22 And that's the route we took. We did activate the plan on a
23 limited basis, and we did request that through the plan that we get this
24 assistance from DOE to search for the sources with their helicopter
25 mounted equipment and also their van-mounted equipment.

1 And we had NRC personnel respond, and we also had DOE
2 personnel respond and work with us through the remaining portion of the
3 emergency phase, let's say, of the incident. Now it was still difficult
4 to keep this thing from spinning out of control. Just this one little
5 sideline.

6 When you activate the federal emergency response plan,
7 that's a fairly big deal in the eyes of some folks inside the Beltway.
8 Let's take the FBI. Well, this is a federal offense, and so the FBI had
9 a legitimate interest in this, and they had not opened a case file.
10 They were just sitting back and watching and talking with us. They were
11 letting the Greensboro Police Department handle this up until we did
12 that activation.

13 At the time we did the activation, of course, they
14 immediately opened a case on this, and the local agent had a very, very
15 difficult time keeping the FBI portion of it from spinning out of
16 control. This thing was on Louie Freeh's desk, and people in the FBI
17 were scurrying back and forth, and you know how it is in D.C. -- nobody
18 wants to be left out of anything. They certainly want to be in the
19 know. At worse, you don't want to be ignorant about it.

20 And beyond that, you want to be out on the forefront and be
21 the one who solves the thing, and it's the local hero and so forth. But
22 at any rate, the local agent had a very difficult time keeping the FBI
23 portion under control. There were folks in D.C. who were telling him
24 no, you know, we need to send 100 agents down there and basically go out
25 and start kicking down doors and doing things like that. But he was
able to prevail, and they did not respond in that way.

1 Probably one of the reasons why it did not spin out of
2 control on us was because of the weather. The very evening that DOE
3 came in and we started their helicopter search and so forth, we had some
4 of the worse weather we've in Greensboro in a very long time. There
5 were tornadoes in the area, two or three deaths, things of this type.

6 And so rather than being all over the front pages, we
7 couldn't buy a line in the local newspaper. And so there was no
8 publicity, and that may have done more to keep this thing under control
9 and directed the way that we had wanted to keep it directed than
10 anything that we did. But to sum it up, the next slide. The DOE did
11 come in. We had done lots of surveying, and these are some of the
12 additional surveying that they did. There are some yellow areas on that
13 map, and I'm going to leave this a moment. This is the landfill area
14 and waste water treatment plant. This is a two-mile area around the
15 hospital. And this is another area that I want to allude to that we
16 wanted to survey.

17 They did that with their helicopter teams. They also
18 surveyed with the vans all the major roads in and around Greensboro, and
19 none of those were successful. We flew these at about 150 feet off the
20 ground on a 250-foot grid. So finally we backed up and looked from a
21 public health point of view, and we flew this about ten-mile grid, this
22 100 square mile area just from a public health point of view.

23 We flew that at 500 feet above ground and on an 800-foot
24 grid. That let us know that these sources had not been left out in a
25 park or some place like that where they would get general exposure.

1 Now there were a number of things going on in Greensboro
2 during this time period. The NCA basketball championships were being
3 played. And, for instance, we had surveyed the Greensboro Coliseum, and
4 it just so happened that whenever they did the public health survey with
5 the helicopters, they picked up the Greensboro Coliseum as an area of
6 elevated radiation levels just because of the construction materials
7 being used.

8 But one of the things that was kind of pleasing to me was
9 this. Even though they had much better equipment and we were very, very
10 appreciative of the DOE coming in and doing what they did to assist us,
11 they were unable to find anything that we had not already found with our
12 more limited capabilities. So we took some pleasure and some pride in
13 that.

14 However, the sources are still out there. We were not
15 successful in finding them. And with a half life of Cesium, these
16 sources represent a threat to somebody 100 years from now. So there's
17 no good ending to this story. The reason that it's worthwhile bringing
18 up here is because we did activate the federal radiological emergency
19 response plan on a limited basis. It did work. The groups did work
20 well together. And so we're very, very pleased at that.

21 We were quite concerned that it would spin out of control.
22 It did not. We're not sure whether we can credit that to those of us
23 working together to keep it under control, or whether it was just the
24 good luck of the terrible weather. But for whatever reason, it did
25 work. And so we would suggest that when you get in situations similar
to this that you not hesitate to go down the same path.

1 MR. CAMERON: Okay, thank you very much, Aaron.

2 [Applause.]

3 MR. CAMERON: There may be a question or a comment for you.
4 And I guess I would just ask you if there's a written lesson learned --
5 lessons learned that you did in terms of the response plan or the public
6 information process that you went through.

7 MR. PADGETT: Yes, we did. But I don't have that with me.
8 Both DOE and the NRC sent public relations personnel to Greensboro, and
9 that was very, very valuable in dealing with the local press. Even
10 though we had a difficult time, you know, getting any information out,
11 it was still very valuable having them there.

12 And had the press responded like I would have anticipated,
13 the value would have been even greater. So having the onsite public
14 relations person, to me, was one of the better things that we did.
15 Another thing is both the NRC and DOE had an onsite commander, let's
16 say. Chuck Hosey came down from Atlanta and was the NRC person there.
17 And the guys in those positions made the things go a lot better than
18 they could have otherwise, too. They had mature people who were good,
19 who were very good to work with, and, again, I thought we made a very
20 good team.

21 MR. CAMERON: Great. Any other questions for Aaron or
22 comments? Pierce?

23 MR. O'KELLY: Yeah, Aaron, I was just curious. Has there
24 been any major changes in (1) their hospital security since then and
25 with any of your other hospital licensees in light of this event?

1 MR. PADGETT: Yes, there have. But it's limited. Moses
2 Cone, of course, has much better security these days. Some other
3 hospitals have also looked at it, jumped on the band wagon and upgraded
4 their security. There are a number of others, though, that have not.

5 And the security that they were providing, obviously any
6 time, you know, something breaks like this, you can jump on those people
7 and beat them up and say you didn't do your job. But in reality, when
8 you go look at the rules and look at the security that is in the rules,
9 it's sometimes difficult to take that and go make general broad sweeping
10 changes to what you will accept and what you won't accept.

11 But the Moses Cone Hospital now have these little keypad
12 type entries, and they're very, very carefully controlled as to who has
13 access. And there are only two people in the hospital who have the
14 final access to those sources.

15 MR. CAMERON: Steve?

16 MR. GAVITT: Yes, Aaron, were they actively using these
17 sources? One of the problems or potential problem, we have a couple
18 licensees that have bracket therapy sources that haven't used them, and
19 they're reluctant to get rid of them because of the disposal class, and I
20 could use this as a good example of why you should get rid of your
21 sources if you're not using them.

22 MR. PADGETT: Yes, they were actively using those. And it
23 depends, I guess, on what you mean when you say actively using them.
24 The last use state was back in December, and like December 15 or
25 something like this. The sources had been used. They last had been
logged back in on like December 18. And the last time anyone had seen

1 the sources was like the 21st or so of December when one of their
2 consultants leak tested three of the sources.

3 MR. CAMERON: Any other questions? Okay, Ken.

4 MR. WANGLER: Since this was obviously an intentional act
5 and probably a --

6 MR. CAMERON: You might as well hold on one second because
7 we're not getting you here. We'll bring this down to you.

8 MR. WANGLER: Since this was obviously intentional and
9 probably criminal, do you think that -- two things. Number one, is
10 there a criminal investigation going on with some of the potential
11 disgruntled employees? And secondly, going more public might help in
12 solving the problem almost like a crime stoppers type of situation at
13 this point, you know, where somebody may be familiar with the person
14 that did this, and if they were aware of the potential dangers, could
15 help in solving where those sources might be.

16 MR. PADGETT: A criminal investigation has been underway
17 right from almost the beginning. The Greensboro Police Department first
18 opened the case, and then the FBI also opened their case after that. If
19 we ever get the sources back, at least my belief has been from the
20 beginning that we would either recover the sources within the first 48
21 hours, or the only chance we would have of getting them back would be
22 the criminal investigation.

23 I've seen nothing that would change my mind on that today.
24 Without going into any details, number one, they don't share a lot of
25 details on the criminal investigation. I do have a few that I don't
really even want to share here. They do have a prime suspect. Whether

1 or not they will be able to get enough evidence to ever charge the
2 individual, I do not know.

3 It is a very well educated individual, and I'll just let it
4 go at that. But, again, whether or not enough information will ever be
5 developed to charge the person, who knows. That individual is no longer
6 employed at Moses Cone, he has moved on, and he might not even be the
7 right one.

8 But there were a number of people on their suspect list. We
9 surveyed, just to give you an example, by helicopter, we surveyed a lot
10 of properties from the air that were people that the hospital had listed
11 as potential perpetrators. We also surveyed -- we had these water
12 search units and also some of the sodium iodide units that we set up in
13 a van before we brought the DOE in, and we surveyed, again, a number of
14 properties just from the road. We did not go on to the property in the
15 Greensboro area as well as a number of the streets.

16 So, yes, there is a criminal investigation underway.
17 Whether or not it will be successful, who knows.

18 MR. WANGLER: But if maybe you went public, would that help
19 them?

20 MR. CAMERON: What about making it more public? Would that
21 help? And we have one last question, too, from Ed.

22 MR. PADGETT: Okay. I'm not sure that making it more public
23 would help. The information is out in the Greensboro area. There was
24 not a news panic, you know, but the information is out. There was just
25 for a very brief time a reward offered. So I'm not sure that more along
that line would help.

1 MR. CAMERON: And Ed Bailey?

2 MR. BAILEY: I was going to suggest that there have been
3 successes, maybe not with someone as highly educated and professionally
4 connected, but where you do offer a reward, and somebody's buddy
5 suddenly finds it and brings it back for the reward or phones you and
6 says, hey, I think I saw this thing.

7 As you were talking about this, it dawned on me that do you
8 think we would get the same response from one of those GL gauges that
9 contains a curie of Cesium that we don't know where it is.

10 MR. PADGETT: Would we get the same response from the
11 regulatory agency?

12 MR. BAILEY: Yes, the same amount of evidence --

13 MR. PADGETT: You're in a good position to answer that, Ed.
14 Would we?

15 MR. BAILEY: I don't know. As you were talking about 600
16 millicuries, and we've got, Lord only knows, how many gauges out there.
17 There's a lot more material in them that we don't know where they are.

18 MR. PADGETT: Yeah, our concern here was that you had 19
19 sources. I mean, whoever he is is either ticked off enough and twisted
20 enough that he's willing to go take the sources. A lot of things I
21 didn't go into here.

22 For instance, some of the badges had not been changed out.
23 They were -- and we asked them to change the badges out of this one
24 group of people to have rushed in and read just in case the perpetrator
25 was a member of this particular group, and he had not left his badge
somewhere else, he had worn his badge that there might be an anomaly

1 there we could take a look at. So we asked them to change the badges
2 out.

3 Well, they didn't handle the information with quite the
4 secrecy that they should have. All those badges disappeared -- every
5 one of them. There were a lot of little nuances about this one that,
6 when you get into it, it was an interesting time. And you know, the
7 individual -- will he be caught? I don't know. He's a very bright
8 individual. He's sent a couple notes in, either he or someone else in
9 his place -- we think it's him -- has sent a couple notes in.

10 And at first, I didn't think they would ever catch him. But
11 then when he sent the notes, assuming that it's him, then I believe that
12 he does want credit for what he's done, and somewhere along the line
13 he'll get drunk in a bar one night and spill his guts to somebody, you
14 know, bragging about what he's done. And when he does that, if he
15 spills it to the wrong person, they'll get him.

16 MR. CAMERON: And let's just remember that no one has been
17 charged here yet.

18 MR. BAILEY: Yeah, but you know what? That's a new reason
19 to go to a bar.

20 [Laughter.]

21 MR. CAMERON: I guess we could figure that Ed would offer
22 that.

23 MR. PADGETT: I think he's volunteering.

24 MR. CAMERON: Before we break for lunch, just some food for
25 thought for all of you. One of the things that may be useful about this
 meeting is to be sort of a laboratory to identify needs for future

1 in-depth workshops on things. For example, how you use the public
2 information process in these incidents.

3 Ed's point about while there are ways to see if you can get
4 people to come forward, you may want to think about that. That was very
5 interesting, Aaron, thank you. And we're going to break for lunch.
6 They do have a special buffet set up downstairs for us. And let's try
7 to be back by a little after one o'clock. We're not supposed to start
8 until 1:15. But if we could pick up a couple minutes, that would be
9 useful. We'll try that.

10 And we're going to start off with Aubrey and Hampton talking
11 about formerly utilized sites, and I think Virgil is also going to help
12 us with this, right, Aubrey?

13 [Laughter.]

14 [Whereupon, the meeting was recessed, to reconvene at 1:15
15 p.m., this same day.]

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A F T E R N O O N S E S S I O N

[1:15 p.m.]

1
2
3 MR. CAMERON: Okay. Okay, we're going to get started now,
4 and we'll have the rest of our colleagues filter in as we go on here.
5 We are going to discuss the status of SDMP Unilateral Transfer/Proper
6 Role of NRC Agreement State and Terminated License Site Evaluation and
7 Cleanup. That's a hell of a title, and it is a controversial issue.
8 And I think Aubrey Godwin from Arizona and Hampton Newsome from the NRC
9 are going to put a good light on it. And I guess maybe it is good that
10 we get started without the State of California here

11 [Laughter.]

12 MR. CAMERON: All right. Aubrey, why don't you go ahead and
13 go first. And can I save all questions and comments until both of you
14 are finished? Aubrey, well, okay. Thanks, Aubrey.

15 MR. GODWIN: As did many of you, Arizona received notice
16 from our regional office that there were several old AEC licenses that
17 used to be in Arizona that expired before Arizona became an agreement
18 state. They did not have documentation to show that they were properly
19 closed out.

20 And they requested the noble State of Arizona to engage in
21 activity to do the close-out part. It's seldom we get such
22 opportunities, particularly since shortly before that we'd been turned
23 down on our suggestion that we engage in a program of mutual inspection
24 reciprocity. That is, we would inspect for NRC in a couple of cases,
25 and it didn't quite fly. But that's okay.

1 We got to this issue, and they were wanting us to go out and
2 check these errors out. One of them was an old air field used in World
3 War II and for a short time thereafter, mostly desert today. I knew if
4 I talked long enough, they would be back.

5 Another was a research lab that learned how to process
6 uranium and thorium ores. And according to the information they gave
7 us, they had several barrels sitting around, and they were not really
8 sure what that was ore, or whether it was processed stuff.

9 We did have a current licensee that had been a licensee
10 then, but there was a period when they didn't have any material. And
11 the last one that I'll call to your attention was a test track.

12 In studying the issue, we noticed several things. Number
13 one, that when we signed the agreement to become an agreement state,
14 there was no indication of a health and safety problem with any NRC
15 licensee or formal licensee. And we thought that, you know, is part of
16 disclosure like you buy stock. You have to give some sort of disclosure
17 when you buy stock, and it seemed like it was a logical thing. If
18 there's a health and safety problem, we would expect the NRC -- then the
19 AEC, actually -- to have said something about a health and safety
20 problem.

21 Since the licensees that were transferred to us did not
22 include any of these, we had no idea they even existed, much less that,
23 as was claimed sort of indirectly, that we had liability now for doing a
24 potential clean up, although admittedly in most cases it would just be
25 simply going out and doing a survey.

1 We certainly were not given an opportunity at the time we
2 signed the agreement to elect to accept the liability or not to accept
3 the liability. It wasn't disclosed to us, so we had no choice on it.

4 Then there's a little practical matter. One of the sites is
5 now an area that has a small subdivision of about 10,000 homes on it.
6 We predicted it would cause a little bit of a problem if you wandered
7 around there with a survey meter very long.

8 The other thing we noticed was that most, but not all, of
9 the licenses had short half-life materials. In fact, in a couple of
10 cases, they would have had, say, a hundred curies of material to still
11 have anything today, and since they weren't licensed for that much and
12 we had no reason to believe they got that much, it's sort of hard to
13 believe it was really a problem. So some of this we thought we could --
14 the NRC could really clear it up by simply looking at it and saying,
15 hey, they didn't get this material. They can't have a problem.

16 So we took the opportunity to decline to participate. But
17 we did think, you know, that if it's really a health and safety problem,
18 certainly we ought to know. And we did ask NRC to let us know if there
19 was a health and safety problem in their estimation related to any of
20 these sites.

21 To date, we've not been informed that they believe there's a
22 health and safety issue. So we're sort of semi-comfortable about it.
23 Basically, our position could be summed up as this looks like basically
24 a paperwork problem, and it certainly is an issue that was not disclosed
25 to us at the time we became an agreement state, and it would seem to be

1 a significant item that should be disclosed at the time a state goes
2 into a government agreement state.

3 Based on my experience and what I remember about Alabama
4 government agreement state, there's no belief that anything was being
5 transferred that was a health and safety problem at that time.

6 Our other issue is that we'd be happy to go out and do the
7 surveys, but we believe it is a federal liability since it was not
8 disclosed properly to us. And for a small fee, we'd be happy to go out
9 and do the assessment of these sites.

10 However, if they want a survey of this area with 10,000
11 homes, we might need a little more assistance, particularly in the PR
12 department. And that basically is our position on it.

13 It is not concurred by anybody at NRC, I would say, and they
14 have another read on it, and we haven't been to court to find out who's
15 right, and I don't know if we'll ever go to court. But, you know, this
16 is the start up position. And with that, I can pass it to Hampton and
17 let him say the NRC's position.

18 MR. NEWSOME: Thanks, Aubrey. I guess, as is pretty clear,
19 this isn't a really happy issue for anyone involved. The states have
20 concerns about the issue. Okay. The agreement states have concerns
21 about the issue, particularly as Aubrey articulated on the fundamental
22 position.

23 But also, I think, the NRC staff is uncomfortable with the
24 overall issue. The legal jurisdictional position of NRC has been that
25 this is material that is under the agreement states jurisdiction, and
it's covered under their agreement.

1 Now I understand that Aubrey disagrees with that position,
2 and so does California.

3 MR. FLETCHER: And so does everybody, I think.

4 [Laughter.]

5 MR. NEWSOME: Yes, and probably some other states, too.
6 We've heard from several states on this, and I don't think we're going
7 to solve that here today. Yeah, sorry.

8 SPEAKER: All you have to do is say yes.

9 MR. NEWSOME: I think the lines are drawn pretty clear
10 there. However, the staff and the Commission has recognized that there
11 are fundamental fairness implications with the issue. And so over the
12 last year or so, the staff has been looking into options to address the
13 issue and to help give assistance to the states to deal with these
14 particular sites.

15 And just a little background to back up on what's been
16 happening in the last year. The agreement state aspect of the issue was
17 raised to the Commission in August of 1997. Now the overall project of
18 looking at these formerly licensed sites was first kicked off by a GAO
19 Report in the 1970's, and there was another one, I think, in the late
20 1980's. And NRC has been contracting with Oak Ridge Laboratory to look
21 at these sites and determine whether any of them by looking at the paper
22 involved, looking to see whether any warrant further investigation.

23 Now some of these are identified in agreement states, and
24 the jurisdictional questions and the problems associated with the issue
25 were raised at the Commission in August of last year. And the
Commission direction was to have the staff look toward a mutually

1 agreeable solution to address the problem and also indicated that the
2 agreement states' approach to these sites would not affect compatibility
3 or adequacy findings unless there's a clear and significant public
4 health threat at the sites. And to my knowledge, that hasn't come up
5 yet or hasn't come up. The Commission also reaffirmed the
6 jurisdictional position.

7 Now there was another paper in January and Commission
8 direction in March basically giving the status on the issue. From that,
9 there were three basic items that came out. The Commission directed the
10 staff to gather more information on what it's costing agreement states
11 to address these sites and the scope of the problem in the various
12 states, and also to develop a recommendation on whether NRC should seek
13 general fund appropriation to provide assistance to the states to
14 address these sites.

15 Finally, the Commission asked the staff to look into the
16 feasibility of a narrowly focused amendment to the Atomic Energy Act
17 that would give agreement states the flexibility to return their
18 jurisdiction over these sites back to the NRC.

19 Currently, the staff's preparing a paper on it and
20 developing the recommendations as directed by the Commission. One thing
21 that the staff hasn't received a whole lot of information on costs from
22 the states. So they've been doing the best they can with the
23 information they have to develop cost estimates.

24 And I guess there's one particular site in California in
25 Burbank that has more extensive contamination than a lot of the others.

1 And the current owner is looking to clean it up and to get a sign off
2 from the regulators that the site is clean.

3 The staff is -- the latest correspondence with the owner, as
4 I recall, has told the owner to proceed with the clean up with the
5 understanding -- we're recognizing that there's a jurisdictional dispute
6 with California on that. But that shouldn't bar the actual work from
7 getting done in the time being until we work that out.

8 And that's about it on the status of that issue. I
9 recognize that there -- it's a difficult issue for everyone. And I
10 think what I'd like to see happen is that we work through to get some
11 mutually agreeable solution to get these things closed down.

12 MR. CAMERON: Thanks a lot, Hampton. And I guess I just
13 would underscore that in terms of our discussion. Obviously, the
14 Commission wants to know how the agreement states feel about this issue,
15 and there may be philosophical objections, but no practical objections
16 from some states. Other states may have both.

17 But in addition to letting the staff and the Commission know
18 how you feel about this, if we could focus on what's going to be
19 acceptable approaches to solving this problem so that we don't end up
20 with some lasting conflict that has some bitter residue left over from
21 it. And let's go to Ed whose state has been in the forefront on this
22 issue. Ed?

23 MR. BAILEY: Yeah, I think the reason -- well, there are
24 several reasons why we have reacted so negatively to this concept.
25 Number one, we're like 165 former license sites that were identified.
Out of that, there are about 60 that still need surveys.

1 But then that brings into question can we trust the surveys
2 on the other 100. So if they weren't done right the first time, how can
3 we buy off on it. We've got some real problems. For instance, the site
4 in Burbank that was mentioned is a bakery. We have volunteered to
5 cooperate with NRC in surveying it. The Burbank site is particularly
6 contentious because there are threatened lawsuits and lawsuits in
7 process about who is actually legally responsible for the contamination.
8 And we don't want to spend all of our time in lawyers chasing it down
9 when the amount of material left at that site is not a licensable
10 quantity of radioactive material, and we have no contamination limits in
11 our regulations.

12 So we really don't have, we feel, a strong reason to go in
13 and make them clean up the site if we could even decide upon the person.
14 One of the other sites is an old uranium mill which we don't understand
15 why it wasn't covered under UNTRACA. California does not have authority
16 over uranium milling and mining. That seems to be a no-brainer for NRC
17 to take back.

18 A third one is on the U.S. Marine Corps Camp Pendleton where
19 there is live firing of DU ammunition. Now we don't think we should
20 take that one. Another one turns out to be a fuel fab place that was
21 licensed for, I don't know, a jillion billion cures of S&M. And we
22 would never have had authority over that site under any circumstance.
23 And if we presume that the material is still there, we don't have
24 authority over it now because it's more than formula quantity.

25 And then there's one site in Texas that we don't think Texas
will let us come and clean up.

1 [Laughter.]

2 MR. BAILEY: So there's some practical problems, too. There
3 are a lot of California companies -- and there are some other places. I
4 just happen to be from Texas and notice that one of the sites on this
5 particular one is actually in Texas and not in California. The
6 company's headquarters is in California, but they had sites in like five
7 or six different states.

8 So we really need to look at this list, and we're willing to
9 do it cooperatively with NRC. But we really think that NRC should spend
10 the bucks on the legal issues that are necessary to tracing down who the
11 responsible party is, was or will be and not leave that to us. NRC has
12 more lawyers on staff than we do. And it would be, we feel, an
13 appropriate use of NRC lawyers, either that or facilitating meetings.

14 [Laughter.]

15 MR. CAMERON: Thanks, Ed. I don't want to get into the
16 middle of this controversy. But I guess I just had one clarification
17 for the group. When you say that the Burbank site does not have
18 licenseable quantities on there, could you just give us an idea of how
19 that is defined.

20 MR. BAILEY: Well, you know, we exempt certain
21 concentrations of material from requiring a license. I think all of us
22 do. If you have radioactive material higher than this concentration,
23 you must have a license.

24 We also have certain quantities that are so called exempt
25 quantities. Now we estimate that neither of those categories are
exceeded. Now I understand somebody will jump up real quick and say it

1 has to be distributed as an exempt source, and so there. But that's a
2 legal thing and not a real practical answer to the problem.

3 And particularly, since we do not have contamination limits
4 within our regulations, it's going to be real hard to force essentially
5 a non-licensee who's already hired lawyers and spent more money than it
6 would have taken them to clean up on lawyers very long to hit on that,
7 and they've written NRC. They've written us. When they think we've had
8 a change in staff, they come back with a new set of letters. So it's on
9 and on and on.

10 And honestly, we believe that it could be done in a very
11 short time. We even offered, after they went to the legislature, we
12 offered to go down and sit and hold their hands, give them limits that
13 they could clean up to. And the last I've heard -- and Don, correct me,
14 we haven't heard them moving forward at all on that point.

15 MR. CAMERON: No, we haven't was the answer to that.
16 Hampton, did you want to --

17 MR. NEWSOME: Well, I just wanted to respond to Ed on those
18 particular sites. I think, particularly with the California sites that
19 you mentioned, we need to have greater communication and maybe get a
20 meeting together so we can pick through these various sites.

21 If there are sites that were former federal licensees, say,
22 or there were activities that were never covered under your agreement,
23 we need to talk about those because --

24 MR. BAILEY: I think those have been pointed out in
25 correspondence to the Commission.

MR. NEWSOME: Okay.

1 MR. BAILEY: But I'll be happy to do it. Yeah, I mean, --

2 MR. NEWSOME: Yeah, because I'm familiar with the Burbank
3 site, but I was not familiar with the other ones that you're talking
4 about. But then maybe --

5 MR. CAMERON: And we'll note those for further investigation
6 -- those particular sites.

7 MR. BAILEY: At this meeting, I gave Dick Bangart the letter
8 where we've got another site that's a major facility, General Atomics.
9 Some of you all may remember did the high temperature gas cooler reactor
10 thing and the trigger reactors and so forth. And they're pretty much
11 closing up shop, and we've got 90 buildings that have got to be surveyed
12 out over the next three years.

13 And a lot of those activities were done under AEC/NRC
14 license. So we're asking for a joint meeting at the site to get a plan
15 together on how the two agencies will jointly survey out these or agree
16 that one agency will take the lead on one building, and the other agency
17 on another building and so forth.

18 But it's one of those sites that's so mixed up, I don't know
19 how we would ever decide whose real jurisdiction it was.

20 MR. CAMERON: Okay, thanks, Ed. Let's go to Roland and then
21 to Steve Collins.

22 MR. FLETCHER: I would hope that this would be -- you
23 mentioned something about philosophical differences. And I would hope
24 that this would be an example from which we could take a lesson learned
25 and do something about these kinds of decisions in the future.

1 Because I look around the table, and we've only mentioned
2 two or three states. But I would venture to say that majority of state
3 representatives at this table do not agree that taking over these sites
4 was a part of the original agreement.

5 Now it would appear to me if that is so unanimous, some
6 action and some discussion should have been done so this was thoroughly
7 known before such a decision is made or such an edict is sent down to
8 the states. Because what we have now is California's having to
9 communicate back and forth, and Texas is having to communicate, and all
10 of these states have similar problems. Yet, it did not appear that the
11 opportunity existed for us to let the NRC know ahead of time that this
12 would not go well with the states and we need to come up with something
13 else before we publicly make an edict that we're now having to fight one
14 by one.

15 So I hope someone is using this as a lessons learned on how
16 not to do something.

17 MR. CAMERON: That's a good point, Roland. Steve.

18 MR. COLLINS: From the Midwest, there were two states,
19 Illinois and one who chose not to come to the meeting that decided to
20 take a different approach. And our approach was and for the 54 sites in
21 Illinois that we performed this work because we do clearly understand
22 that we are both responsible and accountable for the protection of the
23 people of our state regardless of where the source of radiation
24 originally come from.

25 And what is disturbing about the reference correspondence
that SP-97080, is that NRC seems to believe that this responsibility

1 rests solely with the agreement states. Further, the NRC apparently
2 believes that it's not accountable for its past actions once regulatory
3 authority has passed to the state.

4 We cannot agree with either of these suppositions under
5 Langley and NRC's positions relative to formerly licensed sites. The
6 next is a quote. "The NRC's hypocritical assertion that under some
7 circumstances the state action on the referred sites would be considered
8 as a part of its IMPEP review is outrageous."

9 The NRC's identification of mutually acceptable mechanisms
10 such as a general fund appropriation outside the fee base for providing
11 federal assistance to affected agreement states should not overlook the
12 states which have already taken responsible action to review such sites.

13 The NRC should work closely with individual agreement states
14 to coordinate the federal funding with the state's appropriation
15 process. Then we go on to say that in essence we've spent a total of
16 450 hours, and that NRC owes us \$47,350 as soon as they get some
17 appropriations.

18 MR. CAMERON: Or perhaps Don can write a check today.

19 [Laughter.]

20 MR. CAMERON: All right. One of the -- I think that the
21 paper that Hampton mentioned is going to explore various options so that
22 this will not be a sole agreement state problem including providing
23 assistance to agreement states. Are there any other -- besides the ones
24 that are up here on the flip chart, any other suggestions about how this
25 problem might be handled cooperatively? Yes, Stu.

1 MR. LEVIN: Stuart Levin, Pennsylvania. When this first
2 came up at the meeting last year in Los Angeles, I brought it up to our
3 upper management in our department since we knew we would be negotiating
4 for an agreement sooner or later, and it's going to come.

5 I have a list of our sites. I don't remember what they are,
6 and they are -- we're going to look at those real closely. Copies of
7 whatever California wrote to the NRC that was made public was given to
8 our upper management also so they would be forewarned and could
9 appreciate any potential problems when we become an agreement state.

10 Just for your information, I can say that we are looking
11 into it for our own protection to see that we could still get the
12 agreement and not get hurt with these sites. But I don't know how that
13 story's going to end. But we are working on it so we don't get
14 blindsided.

15 MR. CAMERON: Okay, thank you. That's another point to take
16 into account. If there were an option where I think everybody
17 understands that one of the problems here is that the Commission feels
18 that it has a legal problem that's inhibiting it from taking action on
19 some of these sites. And so it's looking for alternatives.

20 If one of those alternatives was the turnback of these sites
21 to the NRC as opposed to assistance to agreement states to clean these
22 sites up, I'd like to get a feeling from the group for the Commission's
23 benefit about whether either of those alternatives are equally
24 preferable, or whether one might be more preferable than the other. Any
25 comments on that on the choice between those two alternatives? Aubrey?

1 MR. GODWIN: The fallback position Arizona had would perhaps
2 to send a letter from the government requesting such those specific
3 licenses be returned to the NRC. I believe that is permitted under the
4 -- they can request individual licenses to go back.

5 I don't how you all look at it. But it would be one game
6 plan on the way, too. So we could look at that very favorably, I think.
7 I'm assuming still that since we have not been notified of any health
8 and safety problem that the Commission's assessment does not indicate
9 there's a health and safety problem with anything in Arizona. We are
10 interested in knowing about that.

11 MR. CAMERON: Okay, let's go to Ed and then over to Jake and
12 then I think I should in fairness ask if anybody on the NRC staff wants
13 to say anything on this issue. Ed?

14 MR. BAILEY: Yeah, I think what Aubrey said is one of the
15 options that we discussed somewhat was that if in fact it is a health
16 and safety issue, the Commission has authority to take over even a
17 specific licensee which the state is unwilling or incapable of managing,
18 as I remember the words something to that effect.

19 And we would not be upset if you chose to make that
20 determination in these cases. We would hope that in doing that, though,
21 that the NRC would allow us to do what they do with the regular licensee
22 that's terminating in California, and that is that we generally do a
23 joint survey when the facility's closed out, and we're willing to do
24 that on all of these sites.

25 The real question isn't doing the survey under the new
decommissioning rules. We really should be doing a dose assessment at

1 each of those sites now before we re-release them. And that's going to
2 take some time and effort, and the legal issue is going to be a major
3 issue on many of these sites because they have changed ownership.

4 MR. CAMERON: Okay, thank you, Ed. Jake?

5 MR. JACOBI: There's -- obviously, this is a complicated
6 issue, and there's many things that need to be considered. But you
7 know, one of the first things that you need to do, of course, is to
8 identify what's the problem at the sites.

9 I know in Colorado we have some of the sites still licensed.
10 Some of them need investigation at least to identify those that need
11 investigation to handle the money issue. If the NRC says it's only a
12 legal concern why they can't come in and do the survey and start doing
13 things, they could at least consider an IPA to the states. That would
14 not necessarily handle a clean up if there's contamination found, but it
15 could relieve some resource issues for the state and the identification
16 of the extent of the problem.

17 MR. CAMERON: So that suggestion just to clarify that for
18 others is that the NRC would hire some state personnel or governmental
19 personnel act as NRC employees to go out there and do the
20 characterization work?

21 MR. JACOBI: Well, I was thinking of more of them delegating
22 a federal employee to work for the state. I know EPA does this in a
23 number of states where a federal employee is paid for by the federal
24 agency, but goes to work under the direction of the state program.

25 MR. CAMERON: Okay, great. That's an interesting idea. Ed,
do you want to comment on that?

1 MR. BAILEY: Yeah. I think it's a great idea because one of
2 the things is that this is going to be a limited program, and it's very
3 difficult -- if he threw money at us, it would still be a difficult
4 thing for me to go in, get the legislature to approve the positions and
5 then go out and hire anybody that's worth much for a year's employment.
6 I mean, it would be a difficult thing because then we'd turn around, we
7 wouldn't have the money a year later or whatever.

8 MR. CAMERON: And should we provide any attorneys to you
9 under this IPA, or --

10 [Laughter.]

11 MR. BAILEY: If we get to choose the ones that we -- the
12 ones in the room are totally acceptable to us.

13 MR. CAMERON: Okay. Thank you. And I guess I shouldn't
14 have picked on Don for writing the check because I guess it would be
15 John Greeves that would be doing this. But I wondered if John or Dick
16 Bangard wanted to say anything on this particular issue while we're on
17 it. John?

18 MR. GREEVES: My name is John Greeves. I'm on the program
19 later, director of West Management. And yeah, I'd be happy to write a
20 check, but I don't think it would do any good by the time you tried to
21 cash it. This looks like one of those no-win situations. I've been
22 watching it over the years from a couple of different angles.

23 And it comes down to who pays, who has authority, and it's
24 just not clean, Chip. You know that situation. And on the chemical
25 front, it took something like Superfund authority to be able to make
this thing work. So I don't have a magic bullet to address this issue.

1 You know I am not capable of writing a check to clean up these
2 facilities. We've got to justify what we're doing now to the people who
3 are charging fees to go back into an agreement state and do something
4 gets a lot of attention by another set of stakeholders. So I don't have
5 a magic answer individually. I thought some form of Superfund authority
6 is what would be needed. But I just don't know how to achieve that. I
7 leave that to the attorneys and pitch it back to you.

8 MR. CAMERON: Can we go back to the EPA here instead of --
9 there's too much focus on the attorneys.

10 [Laughter.]

11 MR. CAMERON: But we did hear one perhaps new idea, and the
12 Commission is, I think, and the staff interested in working this problem
13 out because we do recognize the problems.

14 And I would just underscore Roland's point for future issues
15 like this. The need to open up a dialogue on an issue like this before
16 there are any hard and fast pronouncements on it. Hampton?

17 MR. NEWSOME: Yeah, I think that's -- you know, one of the
18 many problems with this issue is that the jurisdictional question really
19 came up first kind of out of necessity, and that kind of poisoned the
20 well to a certain extent.

21 But I think there are -- well, we've heard several today.
22 There's a basket of different approaches we can take to solve these
23 problems while at the same time kind of working around the
24 jurisdictional issue. I don't think we have to necessarily, you know,
25 ultimately agree on that in order to close these out.

1 I mean, it may be something we have to ultimately face, but
2 I think there are a lot of good ideas being thrown out.

3 MR. CAMERON: Okay. And we'll take one final comment from
4 Ed. And I just want to remind -- I don't need to remind you of this
5 because you all know it. There are representatives of the NRC staff
6 here and the Commission staff. So if you want to have a further
7 dialogue on ideas, there's absolutely nothing wrong with that. Ed?

8 MR. BAILEY: Yeah, we did do one site clean up survey and
9 clean up jointly with NRC that was on the list. And this was a site
10 that had been surveyed and released earlier. We had a company who did
11 not want their name on the list as being a potential bad actor. They
12 went in and spent \$800,000 cleaning up the site.

13 And what it was essentially was a buried sewer line that had
14 come out of a facility that had used radioactive materials -- loose
15 radioactive materials. And I think we're going to see this in other
16 facilities when we really start looking at these facilities the way we
17 currently look at a facility when we close it out.

18 I mentioned the live fire of the DU rounds. We have another
19 company that's going out of that business right now, and they've just
20 finished up cleaning up their firing ranges, and they spent \$16 million
21 cleaning up.

22 So we don't see these things as necessarily all going to be
23 just walk in and wear a survey meter and pronounce them healthy. So
24 there's a lot of potential out there because a lot of these people were
25 the starters of the nuclear industry in this country, and they did some
really weird things when you look at it in today's light, and they had

1 real active programs where they actually did things with radioactive
2 materials other than clean up.

3 MR. CAMERON: Okay. Thanks, Ed. And just to underscore
4 that, I believe that the NRC staff has tried to develop some estimated
5 costs both for characterization and remediation to give the Commission
6 an idea what's going on here. And, indeed, it's not going to be just
7 the case of waving the survey meter.

8 Okay, well, good. Thank you, Aubrey, and thanks, Hampton.
9 And I guess Virgil, you have nothing to say on this, right?

10 MR. AUTRY: Well, the only thing -- Bert Autry of South
11 Carolina. If it was in South Carolina, I think our circle of people
12 would be jumping right on top of this thing, so -- and put it under
13 Superfund routine. So we've been there before. So that was my comment
14 is why aren't these under Superfund if there's no license or permits
15 issued on these areas.

16 MR. CAMERON: Okay, thank you, Virgil. Kathy and the panel
17 on impact, how do you guys want to do it? Do you want us to clear some
18 space at the table for all of you?

19 MS. SCHNEIDER: I have 5.0 Power Point. So let me go there,
20 and then --

21 MR. CAMERON: And then Steve and Ray are going to be on this
22 first panel, right? And they're up at the table?

23 MS. SCHNEIDER: They're going --

24 MR. CAMERON: Okay, good.

25 MS. SCHNEIDER: If I could go from here, and then I'll come
there.

1 MR. CAMERON: Absolutely.

2 MS. SCHNEIDER: Thank you. Well, here we are again talking
3 about IMPEP. When Roland was talking about surprises, I looked as
4 though, oh, here, I think it's about five years now that you guys keep
5 putting me on the program to talk about IMPEP.

6 And I see and I really have to thank you, Chip, for not
7 introducing me like you have in the past because my, you know,
8 co-conspirator is here, and you could have introduced us again as the
9 poster children for IMPEP although he's deserted me.

10 MR. CAMERON: Well, that's the subject of the reception
11 tonight.

12 MS. SCHNEIDER: Oh, thank you.

13 [Laughter.]

14 MS. SCHNEIDER: Okay, next slide, please. Hopefully, I'll
15 make up some time for you. I'll give you a little bit of a status in
16 where we are and what the schedule is.

17 Last year, I gave you the results of how we had gone so far
18 on the IMPEPs. This slide picks up with where I left off last year,
19 what the results we found. And if you go to the next slide -- and I did
20 give handouts to everyone at the table, and there are some over there at
21 the table.

22 We've been trucking along, as you can see. We've been
23 getting out, getting the reports, having our meetings with the MRB and
24 issuing the final reports. The next slide talks about the schedule for
25 Fiscal Year 1999, and like I've explained in the past, I do use a fiscal
year for planning basis.

1 What's on this schedule is what was sent out to the All
2 Agreement States for a comment for the upcoming year, and I have gotten
3 some feedback actually here at this meeting. As with everything, if
4 there are changes, we tweak it and let you know for those states
5 involved.

6 Kansas and New York City Health are not on the schedule.
7 They'll be follow up meetings. You'll see something interesting the
8 second entry, and I apologize to Don. I don't know if I told you you
9 were going to be on here. It says the NRC SS&D Program, Winter of 1999.
10 And at this point, I'd like to ask Steve to come up, and he's going to
11 say a sentence or two about what that means.

12 MR. GAVITT: Tuesday of this week, me as a worker bee
13 volunteering for the OAS Executive Committee pretty much finalized the
14 plans and most of the organization for the IMPEP review of the NRC's
15 SS&D Program.

16 What that's going to consist of is a team of states people
17 with one NRC member, Lloyd Amiter of Texas, and Gib Vincent of Illinois,
18 both of whom have over 15 years of license review and SS&D review
19 experience, and Ray Manley of Maryland. And all three of these have
20 been through the NRC's SS&D training course. Those three people plus
21 Jim Meyers of the NRC's Office of State Programs will be the IMPEP
22 review team for NRC's SS&D Program.

23 [Laughter.]

24 MR. GAVITT: Just in case something should happen to one of
25 these individuals, we have a first alternate which is Eric Jamison of
Georgia and a second alternate with Julia Belwright of Arizona. Based

1 on NRC guidance, there's only a four-member team that's needed, but we
2 do have back ups that have received all the training materials and stuff
3 and will be prepared in case that's needed.

4 In addition, Kathy Schneider will be receiving all of the
5 notes and stuff from the review team members after the on-site review
6 and will be preparing the draft and the final reports. So NRC is
7 providing all that administrative assistance.

8 The review will occur as arranged by the team leader with
9 the team members hopefully sometime during the January to the end of
10 March, 1999 time frame. The training for the team members will occur in
11 the second week of January, I think. That's up to her. And then they
12 will meet the schedule. I think it's 74 days to the MRB meeting.

13 Now the actual organization of the MRB hasn't been firmly
14 established yet. I kind of threw out two alternatives. One of them was
15 we'll just take the NMSS head, Carl Paperillo, and he'll be kind of like
16 an NRC regional administrator if the region had been reviewed. So he
17 wouldn't be a team member. But the state representative to MRB would be
18 an MRB member in that case.

19 The other alternative I threw out was that the MRB will be
20 totally reconstituted with all state members except for one NRC team
21 member. And I understand that there's been a little bit of discussion
22 about that in NRC land. I don't know if it's a fight over who gets to
23 be the one member, or if it's not wanting to be organized. I haven't
24 really heard. I just heard there's rumbles. So if you have any
25 questions about that, let me know when Kathy's finished.

1 MS. SCHNEIDER: If I can go to the next slide, please. One
2 of the reasons I do give the handout over the years I take the
3 opportunity when I prepare for this talk to do my projection for the
4 next couple years.

5 When we started IMPEP, I think the first presentation I made
6 we talked about schedule from between two and four years with most
7 states being three years. And as we got into doing our reviews and
8 looking at the states' performance, most states now when they get a
9 finding of adequacy or compatibility are at a four-year cycle.

10 We still have -- what that did is I think last year when I
11 made the presentation, in the year 2000 I had three states. And I had
12 said at that point we were still looking at the schedule because we
13 needed to do some load leveling.

14 I will be talking a bit more with some of the states,
15 especially California, Louisiana and Tennessee that if they go back to
16 the fiscal year they had their review and add four, that would put them
17 in Fiscal Year 2001 to try and get them maybe -- we'll try and schedule
18 that in late - Fiscal Year 2000. I see Ed shaking his head no. That's
19 a don't care. So that we can keep the level and the effort that we're
20 doing at about the same about eight or nine a year because of the impact
21 both on our staff and your staff and our state volunteers. It seems to
22 be about the right level.

23 What's not on here right now is Nebraska, Maine and Kansas.
24 Nebraska and Maine are in the process right now. Their draft reports
25 have just got out. The MRVs will be meeting. And until we have the

1 meeting and the final report is out and the MRB agrees on what the
2 sequences are, then I'll put those on there.

3 We're going to continue with what we're doing which is
4 sending out an all agreement state letter to you to tell you what our
5 schedule is for the next fiscal year. We look forward to your input. I
6 would again say and I said to several people here when we send that out,
7 please let us know if your legislature is meeting, or you have problems,
8 that's the time because we want your input so we can schedule it. And
9 so that it's worthwhile, and you have your staff there and we have our
10 people there, and we can make the best use of our time. Next slide,
11 please.

12 These are kind of our results, and this is the number of
13 IMPEPs we've done since the beginning of the program with North Carolina
14 as the first state under IMPEP to be reviewed. And New Mexico who got
15 their report out last. I think you can see that we had a rough start in
16 the first year or so with some timeliness issues.

17 Our goal is 104 days, and it was reemphasized to us last
18 year when we met with the chairman and discussed how well we were doing
19 under implementation. Massachusetts, which was the first one of this
20 fiscal year, right here. As you can see, we've met our goal of getting
21 the reports to you in time and hopefully that's assisted both you and us
22 in giving, you know, some of the past criticisms, well, we didn't have
23 the information in timely fashion to make any changes.

24 I'm probably going to drop next year -- the previous two
25 years off this slide because I think we've corrected what our problems
are, and we're on track. Next slide.

1 Team training -- first of all, I want to thank all the
2 states again who participate, who sent team members, who participated in
3 MRB. I think one of the strengths of IMPEP is the state participation.
4 Presently, I have nine agreement states on for team members. I am
5 making a plea right now. I could use two to three more people to serve
6 who have licensing experience. If you want an opportunity to see the
7 country, have fun, new ideas, whatever the Navy's slogan is, please
8 contact Roland.

9 We are going to be having training in the second week -- the
10 first or second week in January, and it will be for new team members.
11 This will be the fourth training session we've had, and this one we're
12 going to focus just for the new team members. And then every two years,
13 having where we pull all the team members together.

14 It is a challenge because we do have a turnover both with
15 the state and the NRC people. So we're trying to not continually repeat
16 what people have been on for two and three and four years. But it is
17 important that the teams work together for consistency.

18 If you have any questions, I've listed the states who
19 presently participate as team members. I'd suggest you talk to their
20 management or if they're here, and I think people will be following me
21 who may address how worthwhile it is, I think, for your state to
22 participate on the teams. Okay, next slide.

23 One of the things that occurred when we did the interim
24 implementation of IMPEP was the comment that four years was too long to
25 go without NRC, and we instituted last year annual meetings in between
IMPEP meetings. We did 18 of these and then we stepped back and looked

1 at it. And we felt that that was probably too frequent to come back.
2 There's a lot of resources, impact on you, especially, again, if the
3 program -- there are a lot of ways of communicating. This is just one
4 of them.

5 We did send out and propose, you know, going to periodic
6 meetings, and that's where we are right now. We're between 12 and 16
7 months, depending on when your next IMPEP frequency is scheduled. And
8 that procedure was implemented and sent out to everyone in September of
9 1998.

10 We are looking at the action items that came out of all
11 those annual meetings last year and tracking them and making sure that
12 all the information and all the concerns that you did raise that we get
13 feedback to you one way or the other to bring you closer. Next slide,
14 please.

15 It's kind of a summary of what we think we've accomplished
16 so far. We believe through IMPEP we've increased the assurance of
17 adequate programs in both NRC regions and agreement states. I believe
18 that it's contributed to the national program with the involvement of
19 both the states and NRC working together. I'm looking at everybody's
20 program.

21 We're now timely in our issuance of reports. Next slide,
22 please. One of the issues that came out of last year's meeting when we
23 had the session Steve led, and I'll talk a little bit about that, too,
24 was some enhancements we could do. We did take a look, and we have
25 issued a procedure for the management review board that took into

1 account some of the concerns and the inconsistencies we were having in
2 between each MRB meeting, and we got that issued.

3 The next bullet is a management directive that deals with
4 the actual qualification for IMPEP members. And we've got it completed.
5 It's now entered into the NRC system. And I'll address it a little
6 later on. The next bullet, we've looked at our program based on both
7 the information I gathered last year when I was here with you and
8 stepping back and looking at the things we could see that we could
9 enhance the program.

10 We have a tendency to call this the low hanging fruit, or we
11 saw those things we could fix and make the program better, and we did an
12 analysis and a report. And I have an action item and some other things
13 you're going to see coming out. A lot of them are enhancements of the
14 procedures that the team members are using so we get consistency. Next
15 bullet, please.

16 One of our areas where we still need additional future work,
17 and this is part of what Steve told you is we are going to be looking
18 more at our non-common performance indicator and looking at the issue of
19 prescriptive versus performance-based evaluations.

20 Some of you have experienced some of the differences when we
21 have technical expertise from NMSS versus generalists doing the reviews
22 of some of the non-common indicators. Part of this whole relook at the
23 program will be the evaluation of the SS&D Program, the way we look at
24 an area where you have one licensee, a low-level waste licensee. So we
25 will be taking -- that's our next iteration is to take a look at that

1 and see what's the best way to do it, and we will inform you of the
2 results and get your input.

3 The implementation of the IMPEP Qualification Management
4 Directive -- as soon as we do get that finalized, then all those team
5 members and the NRC will go through the qualification. And this
6 document was sent out for comment to the states. It will mean that
7 certain people will be qualified to do certain indicators just the way
8 you're licensed -- licensed people are qualified to do license, or
9 inspection people are qualified to do inspections.

10 We will look to the state also -- the states who
11 participated in IMPEP to have people who participate who also have an
12 equivalent-type qualification if they're going to be reviewing
13 inspection and licensing.

14 I do that now in an informal method. I know what people's
15 expertise are. I don't mixed it. We don't try and have a team that has
16 all inspectors so that nobody's really ever done licensing so that we
17 have a balance. But we've gone to a more formalized system.

18 One of the issues that came up -- next bullet -- is
19 re-examining the use of the word "suggestion" versus "recommendations"
20 that we have in your IMPEP reports. Especially as we move more to
21 performance base, a lot of the suggestions really are performance based.
22 They really are such that a more careful look at it, they can be covered
23 in conversations with the state. And for a lot of state people, we get
24 -- they don't seem to treat the recommendations and suggestions any
25 different.

1 So we are going to be looking at that, coming back out to
2 you, asking your input as to whether we even should carry those in the
3 reports. All right, next slide.

4 To talk a little bit more, when I come back up on good
5 practices. We do report to the Commission once a year on the status
6 which will we'll be doing in 1999. And this year, you will be seeing a
7 lot of procedures coming at you. I believe right now you have the one
8 on the allegation and incidence indicator for comment. We're going to
9 finalize those procedures this year. These are the procedures for the
10 team members to use when they come out and do the reviews. And a lot of
11 the comments, again, that we got last year are factored into those
12 procedures on enhancing the process.

13 That's really all I have at this point in time.

14 MR. CAMERON: Okay. Could we -- I take it that Steve Gavitt
15 and Ray are going to give us a brief impression of their experiences.
16 And then let's have questions on IMPEP generally before we go into the
17 next panel. So Steve, do you want to go, and then we'll go to Ray.

18 GAVITT: Okay. New York State had its first IMPEP review
19 this year. In addition, I also participated on an IMPEP panel that
20 reviewed an agreement state. As an agreement state with four separate
21 regulatory programs, obviously our IMPEP review was not one that -- a
22 common one.

23 Our IMPEP review period started in January and ended in
24 April. We then had a separate close out meeting with the NRC management
25 in May. We had two MRB meetings, and there are still some issues that

1 have to be resolved with seal, source and device items. So it was a
2 considerable effort on both the NRC and our staff's time to go through.

3 But I'll give you my impressions from our agency on how it
4 worked out. We had 14 members come in for a week. They were there
5 first thing Monday morning. Prior to that, one of the team members had
6 accompanied four of our inspectors on field inspections. I thought that
7 they did a good job in terms of following the IMPEP process and what was
8 laid out in the IMPEP manual. Dennis Sollenberger was a team leader,
9 and Duncan White was a team member. Those two team members were on all
10 the New York teams, and I thought they did a good job of looking at it
11 from a performance-based inspection and keeping the team on track and
12 coming back and asking us questions if they found something that they
13 didn't understand. And I thought that was positive.

14 Before -- let me just switch now to as a team member. I was
15 on a team with Jim Myers and Duncan White, and I thought that for me it
16 was a good learning experience to see not only how the IMPEP -- just
17 another lesson in the IMPEP process and how that works, but also to see
18 how another agreement state runs its program.

19 I thought that it was good that Jim Myers who set the tone
20 in saying that we're going to review this program; we're going to look
21 at it from a performance-based perspective and not get tied up in picky
22 items and getting too prescriptive.

23 And as a result, I thought it was a positive experience not
24 only for the team, but also for the state. And I would encourage other
25 agreement state staff to participate in the process.

1 My comments on recommendations for improvement -- I thought
2 that overall, especially for New York State, it was a pretty extensive
3 process. I haven't added up how many person days it took in both the
4 NRC and our staff time, but it was considerable.

5 And when you look at what the NRC is required to do in terms
6 of providing assurances on adequacy and compatibility, I wonder how far
7 does this review need to go in terms of level of detail review of the
8 Agreement States Program.

9 Compatibility -- that can be done. They don't even have to
10 come to our offices. Just look at our regulations, look at our license
11 conditions. And that can be done -- that can actually be done
12 separately. In terms of adequacy, it's not quite as clear cut in how
13 far do you need to go to determine whether or not a state is adequate.

14 There were at least 50 files that were documented that were
15 reviewed, and they were going into some detail. And while we do
16 appreciate the suggestions in the review, I used to wonder is that level
17 of detail actually necessary to say the state is adequate.

18 I mean, this is the same type -- this IMPEP process is the
19 same process that is used for NRC regional offices. And we're not an
20 NRC regional office. So there is certainly an impression that it's kind
21 of like a micro management of our programs, and maybe it can be reduced
22 somewhat in terms of, you know, we're looking at this from a
23 performance-based perspective.

24 The other comment I would make is that I think that looking
25 at some of the other IMPEP documents, there is some inconsistencies, I
believe, and I'm not sure if that is a result of the IMPEP team

1 membership make up or what. I said I wasn't going to mention other New
2 York State agencies. But I will have to point out that there was a
3 major issue with the New York State Department of Labor. Rita Aldrich is
4 not here, couldn't make this meeting. But her seal, source and device
5 program, their program reviewed one device in a review period, a static
6 eliminator, a small activity source. Her staff had gone through the
7 training. They followed the NRC guidance, the checklist.

8 But yet, it was a major focus of the IMPEP process. It took
9 up -- they had a person to come in to spend the better part of a week.
10 It took up most of the time at the meeting. And that issue is still not
11 resolved. And we're at a loss as how it can be done -- why in New York
12 State why is the focus so much on this one device, and yet we're calling
13 this performance based.

14 But yet, when I was -- the team I was on reviewed a state
15 that had pretty much exactly the same thing, and we found them
16 satisfactory because it wasn't really an issue. So I think that there
17 needs to be some focus on how these reviews are conducted and looking at
18 it truly from a performance-based perspective and not get tied up in
19 little issues.

20 MR. CAMERON: Okay, thanks, Steve. And while we're going to
21 Ray, everybody should just keep in mind are there other types of
22 recommendations for improvement of the IMPEP Program. And specifically
23 the points that Steve raised about is there a way to make this less
24 resource intensive and still accomplish its purpose, and how do we deal
25 with the consistency in reviews from program to program. Ray?

1 PARIS: Okay. We were reviewed in August. But I think to
2 step back a little bit, I believe the IMPEP process is basically one
3 that is -- well, it's outstanding in my estimation. It provides an
4 opportunity to participate in a process, and there's two ways that
5 states can participate early on, and that is by being a member of or a
6 reviewer or party to the management review board.

7 I was that for about a year and had the opportunity to sit
8 on that board and to review how the teams themselves would submit
9 reports. So when it came time for our review, there were no surprises.
10 I was aware of what the MRB was looking at. I was aware of what teams
11 were looking at. So that gave me a great perspective on what to
12 anticipate.

13 The other way of participating for states is to have, as
14 Steve mentioned, have people being on the actual IMPEP teams. So as a
15 team member, a member of my staff was on a review team for Arkansas, I
16 believe. And they brought back perspectives on how really the team
17 functions as a unit. And then that was brought back to me. We
18 discussed that and said, well, so we have no surprises when the team
19 came on what to expect.

20 And so there's -- I guess you were given the answers to the
21 exam basically before they came. So there were no surprises. So I
22 think that is a good and excellent opportunity of the IMPEP process that
23 was not there under the other criteria.

24 Another thing is that when the team did find something with
25 us, well, it was our initial inspections. And so we had about half our
initial inspections done within six months, but we had about 95 percent

1 of them done within seven months, and all of them were done within
2 eight.

3 But under the IMPEP criteria, they still needed to have us
4 -- give us a finding of satisfactory with recommendations for
5 improvement. Well, they were tied to their directive in that finding.
6 But when I came to the management review board, expressed and gave my
7 justification on the basic -- the reasons why and it was not a big
8 health and safety impact, that finding was changed to satisfactory. So
9 there is that opportunity to present your case. The board listens. And
10 maybe they haven't agreed in all cases, but in this case, they did.

11 But it gives that opportunity to say, hey, we think we can
12 regulate our program in a health and safety fashion, and they listened.
13 So it's basically a good participation process. There shouldn't be any
14 negative feeling. I don't believe I had one negative comment from staff
15 on the process when the team was there. They're thorough. As Steve
16 mentioned, there are four people who come in and look you inside out for
17 a week. It is time consuming. It takes staff time to dig out all this
18 stuff. But it's still a good accountability.

19 I wish there were similar to that for our X-Ray Program or
20 Emergency Preparedness Group, something like that. So it's a good
21 process to go through. I would agree with the recommendation to not
22 have the suggestions in the formal report. I believe -- because what
23 happens is that when I address the findings with my administrator, we
24 went over every one of them. And in the eyes of an administrator, a
25 suggestion and a recommendation is the same thing. So I had to put as

1 much justification on what I was or wasn't going to do on a suggestion
2 as I did a recommendation.

3 So I believe a good way to have those suggestions still come
4 out is to have the team present those suggestions on the exit interview
5 with the staff or even a letter from the IMPEP leader to the program
6 director saying these are some suggestions that the team found rather
7 than putting it in the formal process.

8 I don't know how other states do it, but I have to go to my
9 administration and explain everything that the team found. And whenever
10 there's a suggestion, it's the same as a finding of some kind. I say
11 why. They say, well, why don't you do this. So I would agree with
12 that. It's a good process.

13 MR. CAMERON: Okay, thanks, Ray. In the interest of time,
14 let's have some discussion here of fundamental problems perhaps with
15 what some of the material Kathy had presented, the recommendations for
16 change. And if there's some clarifying questions, perhaps you can find
17 those out during the breaks or whatever. But who would like to go
18 first? We have Don raising his hand out there. Did you have a point to
19 make, Don?

20 MR. BUNN: Don Bunn from California. And I guess this is
21 the way we address the group is to come up here. So this is what I was
22 trying to get your attention for, Chip. Having served on IMPEP for
23 three years, a veteran of many battles. As you can see, I've been
24 bruised up a couple times. I have just one suggestion from what Kathy
25 said is that she would eliminate the experienced people from coming to

1 the training each year, and I think that might not help continuity for
2 the teams.

3 It always helps to have someone who's been through these
4 before there with you at the training, and I think that's important.
5 And I'd suggest that you keep it like it's been.

6 MR. CAMERON: Okay. Thank you, Don.

7 MS. SCHNEIDER: I may not have been clear. Kathy Schneider.
8 What we're planning, Don, is every two years bringing everybody together
9 and then a session separate for the new people. And then on the off
10 years, a session for just the new people. Better use of our resources.
11 And I've had a lot of people who've been through the training several
12 times saying I know what to do for this indicator. I don't want to hear
13 it again.

14 MR. BUNN: But they help the new ones --

15 MS. SCHNEIDER: I understand. We're going to see, again,
16 you know, we kind of pilot everything at IMPEP. We're going to try it
17 this year and see how it works. One of the things I didn't mention that
18 I want to try and do because I didn't want to get it down in a
19 transcript anywhere, but I'll mention it now since you raised it.

20 We're going to start trying to send some quarterly
21 information to all the team members for this years of things we're
22 discovering or enhancements or things we need the teams to mention, and
23 then probably teleconferencing with my teams. And I talked to my
24 management about it, and the regional state agreements officer seemed to
25 think that's a worthwhile thing to do also.

So we're also going to try that, too, this year.

1 MR. CAMERON: Okay. Thanks very much, Kathy. Concerns
2 about the IMPEP process around the table. Ray, do you want to make a
3 statement here while people are thinking about this?

4 MR. PARIS: It isn't a concern, but it's just another
5 suggestion that maybe if the Office of State Programs could summarize
6 some of the common findings that is found among the states and
7 distribute that, it would be a good heads up. And even on non -- well,
8 you have --

9 MS. SCHNEIDER: As I said, you're leading into the next
10 session. But we did do that last year. I don't know if you -- when we
11 sent the good practice paper out in I believe it was November/October of
12 last year. There was a second two-page report which I called trends,
13 and what we did is every place where there was more than one
14 recommendation in any state, I kind of generalized it, and I'm going to
15 do that again this year.

16 And that hopefully will give you -- maybe one of the
17 questions I'll ask from you is was that useful to you so I continue it,
18 and should I continue to make it the total summary or just over this
19 fiscal year so I carry forth.

20 One of the ones is the initial inspection seems to
21 continually be popping up. The tracking and performance your initial
22 inspections within the six months.

23 MR. CAMERON: Okay.

24 MS. SCHNEIDER: But if you found that useful, please let me
25 know. And I am planning on putting that out again.

1 MR. CAMERON: A lot of people are shaking their heads
2 affirmatively on the usefulness thing. Ed?

3 MR. BAILEY: Ed Bailey from California. Just a quick
4 comment. I really hope you don't go to an extended interval for the
5 visits. I think we deserve a visit of at least once a year. I will be
6 happy to trade with anyone that's getting it done in 1999 for 2000. I
7 think the review should not be more than two years apart. I still
8 believe that.

9 And as an agreement state, I think NRC can afford to come
10 see us one day a year.

11 MR. CAMERON: Okay. Thank you, Ed.

12 MS. SCHNEIDER: Yeah, I would say, Ed, that the annual
13 meetings are not the only interactions that we have. We continue to
14 keep, you know, communications open. Your RSAO will be out there. You
15 have the ASPO you work with. But the agreement state project officer
16 out of the Office of State Programs. So that, you know, there are a lot
17 of mechanisms.

18 But you know, the period of time in between the IMPEPs to go
19 over the IMPEP-type issues, we are going to go to this periodic basis at
20 this point in time. And we'll take a look at it to see how it's
21 working. And we try not to carve everything in stone in IMPEP.

22 MR. CAMERON: Ed?

23 MR. BAILEY: Well, we're just feeling like a step child. I
24 mean, you take our office away, and then you tell us you're not going to
25 come see us.

[Laughter.]

1 MS. SCHNEIDER: Just one more response. There were a lot of
2 people who didn't feel that the annual meetings were that useful when we
3 asked for comments. There were a lot of states that didn't feel the
4 annual meetings were as useful, that it was too frequent. So this is
5 one of the few times you were in a minority. I know you're never in
6 that situation.

7 MR. CAMERON: And I think that before we go on to the next
8 panel which I'd like to try to get in before the break. I think there
9 is going to be a 12-step program meeting for the stepchildren of IMPEP
10 tonight. It's after the reception.

11 [Laughter.]

12 MR. CAMERON: Kathy?

13 MS. SCHNEIDER: Did you want me to fill out--

14 MR. CAMERON: I think everybody has got their concerns out.
15 So --

16 MS. SCHNEIDER: Okay, this is going to be real short because
17 the good practices. A little history. When we started with the pilot
18 program and actually what we did was when the team that did the pilot
19 which was myself, George Pangburn, Jack Corner, Scott Moore, we went to
20 the two regions in the three states.

21 One of the things we found when we went out in 1994 was
22 there were some new things being done in the states that, as we went
23 from state to state and as we were piloting it, we told the MRB that,
24 you know, Utah was doing TQM. Illinois had some neat ways of tracking
25 things. The regions had done a few things.

1 Hugh Thompson directed us to put together a good practice
2 paper, which we did, based on what we did in the pilot and then the
3 regional reviews in 1994 and 1995. We're making that an annual event.
4 These good practices are things that your review teams come out and
5 during the review they identify as something that would enhance a good
6 feature of your program and that should be shared on a nationwide basis
7 both from the regions, from the agreement states and then we disseminate
8 it to anybody who wants a copy of it. The report we put out last year
9 actually identified ten items -- good practice items. A variety of
10 things. And since we have -- we're running short of time, I'm not going
11 to go through them at this point.

12 This year, I'm getting ready to put it out again. We've got
13 ten items already identified since this -- it will be from April of 1997
14 to probably we'll try and include Maine and Nebraska before we send it
15 out. They're the next two states that I have MRBs planned for, and it
16 will finish out the fiscal year.

17 I think it's one of the good parts of IMPEP that we can
18 share this information with everybody. There is a lot of innovation
19 going on there. And so I don't steal the thunder, we have, I believe,
20 two states who it was identified in their review that they did self
21 audits before the IMPEP.

22 If you haven't gotten a good practice paper, let me know,
23 and I'll send it to you or tell you where it is on the home page because
24 it's on the home page, and you can get it there. And as I said, who was
25 it -- Ray stole my thunder. I was going to talk a little bit about the
trends to see if it was something that was useful for the states, and if

1 you wanted me to continue with that. But I saw enough heads nodding,
2 and I will do it this year. Any feedback, I'd appreciate it as you
3 prepare for your IMPEPs coming. Okay, that's all I have.

4 MR. CAMERON: Okay, thanks, Kathy. Let's go to David and
5 then to Kirk and hear about self-audits, and then open it up for
6 questions and comments. David?

7 MR. SNELLING: In the interest of time, I won't show all the
8 40 slides that I had. We had our IMPEP in February and March of this
9 year, and we came out with all areas being satisfactory. We did have
10 about eight or nine little Rs, and I guess the little Rs are the
11 suggestions. They were called recommendations, and now we call them the
12 big R and the little R. We got a few little Rs, and we had one good
13 practices, as was said, and that was the self-evaluation program that we
14 put together.

15 It was a fairly rigorous effort that we went through prior
16 to the IMPEP evaluation. And coming out of our own self-evaluation, we
17 fixed some problems. We identified some immediate corrective actions.
18 We identified some longer term corrective actions.

19 And we fixed those, or we address them. And so we were asked
20 to discuss this today. And really self-evaluation is nothing more than
21 an ongoing process. You know, it's something that you should be doing
22 all the time. And when you have an evaluation like this, yeah, I think
23 it's very appropriate to go in and take a real hard look at yourself to
24 make sure that you are doing things right. It's really the right thing
25 to do in our world today of what was said earlier, reorganizing America

1 and limited resources. Those kinds of things, it's the right thing to
2 do.

3 Being relatively new and being this was our first -- well,
4 my being new in our program and this was our first IMPEP, I really
5 wanted to go in and take a hard look at what we were doing, what our
6 program was all about, find out all the things that are down in the
7 fourth drawer in the file cabinet, you know, way in the back, what's
8 there -- what's really there.

9 And so we did that. And coming out of this, you know, the
10 philosophy that I think that should underlie all of this to improve the
11 program, yeah, we need to pass the inspection, pass the evaluation. But
12 bottom line, what are we doing? We're trying to improve what we do and
13 how we do it.

14 And secondly, I don't like unwelcome surprises. You know, I
15 didn't want any surprises coming up and biting me during the IMPEP
16 evaluation. I felt that we, our staff, needed to know everything about
17 our program, and that we didn't need some visitors coming in telling us
18 what was wrong with our program. We should already know that.

19 And I think we did. I think as a result of our effort, we
20 knew what was wrong with our program. But at the same time, we also
21 found out some good stuff. You know, everything's not always bad.
22 There's some good stuff out there, too. You do good work, and that
23 should be recognized, and too often it's not. You know, you've got all
24 these recommendations and all these deficiencies. Well, talk about the
25 good stuff, too.

1 So bottom line, we did our self-evaluation to improve our
2 program as well as get ready for IMPEP, to identify program strengths
3 and weaknesses, to initiate some corrective actions on those weaknesses,
4 and to implement changes.

5 Out of all that, we improved awareness. We improved our
6 program, and I think we improved our people performance. It's a
7 performance-based evaluation. And I think out of this, our people did
8 improve. The process was very structured, done by the most
9 knowledgeable people in the program. And I've got a whole list of
10 things here that we learned out of it. But a couple of important
11 things.

12 Evaluators must be candid, you know. They must not hide
13 that file that's back there in that fourth drawer. They've got to be
14 candid, and they've got to be proactive and aggressive. I found in one
15 particular case that wasn't really the case -- that I had to dig a
16 little bit to find the true status of something.

17 And so I think that we have to establish a culture within
18 our organizations of reporting things, of reporting problems, of telling
19 it like it is, as was said by the Commissioner this morning. Stand up
20 and say, hey, this is wrong. I identified this. And now we're going to
21 go fix it. They need to stand up and do that. And you have to -- in
22 some cases, you may have to foster that culture within your
23 organization.

24 Initiate corrective actions. You know, doing all this, it's
25 not worth a flick if you don't initiate your corrective actions. If you
can't fix it right now, then get a plan going where you can fix it.

1 Assign somebody to do the work. Assign due dates to it, and follow up
2 on that.

3 We have an internal action item tracking system. Jerry will
4 tell you the real stuff about the internal action -- the action item
5 tracking system because people don't like to get the pink sheets. But
6 yet it makes somebody responsible for it, it makes them accountable for
7 doing it.

8 All of this is to improve the program, and that's the effort
9 in which we undertook our self-evaluation. And I agree with what Ray
10 said. I thought IMPEP was a good process. In my former life, we had
11 INPO evaluations, you know, and it's very, very similar. I think
12 Aaron's very familiar with that.

13 I think it's a good process. I think we ought to do it. I
14 also agree with Ed. I think you ought to come around more than once
15 every three, four years. Come around a little more often. We'd like to
16 see you.

17 MR. CAMERON: Okay, thanks, Dave. And would it be useful if
18 we made copies of your signs for people with some of the more detailed
19 ones.

20 MR. SNELLING: If anybody wants it, I have copies of the
21 process that we used. I have copies of the forms that we used, and we
22 documented all this stuff. Please document it. If you don't document
23 it, you didn't do it. You know, it's that simple. Just like a
24 radiation survey. If you don't document it, you didn't do it. So
25 document it, and then follow up on it.

MR. CAMERON: Okay. Thanks, Dave. Kirk?

1 MR. WHATLEY: I'll do mine from up here since I didn't have
2 a mike and last. The day before yesterday in the comic section of the
3 newspaper, Dennis the Menace comic, if you read that, he was in school,
4 he had done something bad. And the teacher said go to the back of the
5 line. He said, "Well, I can't. Somebody's already back there."

6 [Laughter.]

7 MR. WHATLEY: So that's where I am right here. Everything I
8 had to say has already been said, I think. And I'm in the back of the
9 line, and nowhere to go really. I sort of feel like that little boy who
10 went to school and was asked to stand up before the whole class and tell
11 the class why the teacher likes him the best. You know, you don't
12 really want to do that. And I'm not here to do that, and I'm only here
13 because Roland -- I read on a piece of paper where Roland told me to be
14 here, and I didn't know why.

15 [Laughter.]

16 MR. WHATLEY: You know, many times problems not related to
17 -- we have problems many times that are simply related to the fact that
18 we, being different, and we choose to do them different ways than
19 somebody else chose to do them.

20 I remember in college, I had -- in a genetics class on the
21 final exam, a professor asked why do baby monkeys have long tails. And
22 the only answer he would accept -- I remember writing a half page of
23 paper on that. And the only answer he would accept was because the
24 mommy and daddy had long tails, and that was exactly right.

25 [Laughter.]

1 MR. WHATLEY: We sort of lose historical perspective
2 sometimes. We do things in Alabama the way we do them because that's
3 the only way we know how to do them. I mean, you know, we used to --
4 and this is one thing I miss about the old NRC reviews that I do, having
5 been around a while.

6 I think one of the things I miss from the current IMPEP
7 reviews and the ones from perhaps the last few years is that we used to
8 get a lot of information that was shared about good things from other
9 states and what other states would do. And I don't think we get so much
10 of that any more, and I sort of miss that.

11 And I'm certainly reluctant to stand up here in front of you
12 and talk about good practices we do because I could learn a lot from any
13 of you there. And in fact, we do -- most of the things we do have
14 probably been -- came from you all. Shucks, we fly the Texas flag in
15 our office, you know.

16 [Laughter.]

17 MR. WHATLEY: And got signs, "Don't mess with Texas" up all
18 around there, you know. We've borrowed and plagiarized a lot of things
19 that you do that are good. So I'm not up here to brag on what we do by
20 any means.

21 Roland sent me a piece of paper, and I saw my name on it.
22 And he said he wanted me to send him back a summary of what I wanted to
23 talk about. And I called him and asked him what did he want me to talk
24 about. I was the one he was talking about this morning probably on
25 that, and that was in good humor, Roland. We were laughing and kidding
about that.

1 But you said that the Nuclear Regulatory Commission, out of
2 all the IMPEP reviews, had identified two states that had one item of
3 good practice each -- two of all the IMPEP reviews, and we were one of
4 them. And I sort of wasn't sure that I wasn't still dreaming by hearing
5 that. And but I want you all to know here today that we didn't try for
6 a good star or anything like that.

7 [Laughter.]

8 MR. WHATLEY: We just didn't do that. So don't you -- I
9 want to emphasize that now. So don't all of you go away from here for
10 that. But Jim MacLeish from our staff -- I say ours, is it ours --
11 volunteered to serve on NRC's IMPEP review teams. And as a result, he
12 was trained in those reviews. And Jim participated in the Kentucky
13 review and in the New York review.

14 And that was -- you know, Alabama and New York, that's a
15 long ways, folks.

16 [Laughter.]

17 MR. WHATLEY: Jim talked about riding that subway at nine
18 o'clock and things like that. I'm not sure he's going back or going to
19 volunteer again this year.

20 [Laughter.]

21 MR. WHATLEY: But he had a good time and learned a lot from
22 them, and we did, too. He learned how the teams worked and, perhaps
23 more important, about how some of the teams think. And there is a
24 difference, and that's true with all of us on how we interpret things
25 and how we do things.

1 You know, in school if a teacher gives us 40 problems to
2 work in a math class and someone tells us that a final exam is going to
3 be taken from 30 of those problems, we're sort of foolish if we don't
4 work those problems before the day of the exam.

5 And if we wait until the night before the exam, we're
6 foolish there also. And that's sort of what we learned from Jim's work
7 on the IMPEP review team. We were there, and as David said, we had a
8 pretty good idea what was going to be asked. And we didn't wait until
9 the last minute. In fact, this was not last year, but it goes way back
10 further than that when we got that. We started looking at ourselves,
11 what we were doing, and how we were doing and so on.

12 We IMPEP'd ourselves. I told somebody yesterday we've been
13 FEMA'd and whipped and IMPEP'd in the last few years. And so -- but it
14 goes with part of doing the job. The questionnaire was simply given to
15 the staff a long time before IMPEP, and each staff person was in charge
16 of a particular program and took that, and they reviewed their own
17 program in light of those questions and everything, and really took a
18 look at themselves.

19 We found things that we needed to improve on, things we
20 needed to correct. We did correct some. NRC did choose to have some
21 comments about some of the things we had corrected, but they were
22 complimentary that we did find those things ourselves, and that we had
23 corrected them before they came. So that was the intent.

24 Let's see, go fast here. One of the good practices not
25 identified -- and I think all of you know that, but I want to mention it

1 here today is that management has to surround itself by people a lot
2 smarter than they are, right. We do.

3 And our guys in our office, the stability of a staff is an
4 important factor here, too. I think that's a good practice, too, if you
5 have some way to maintain that. And Aubrey, to your credit, all of our
6 staff and our program today were there when you were there. That was
7 six years ago. So thanks, Aubrey.

8 Our folks has just -- good practice just simply boils down
9 to nothing in the world but knowing your job and getting it done.
10 That's the bottom line. And that's what our people did. Good staff
11 makes good practice. And if any of us don't have a staff that has
12 strong character or good work ethic dedication to the job and pride of
13 workmanship, all of us who are managers are in trouble.

14 And Jim MacLeish and David Walt and the rest of my folks on
15 our staff have those good characteristics. And you know, IMPEP really
16 just showed us that if that was the standard, then we were pleased with
17 it.

18 Our staff did not get upset because NRC found some things
19 wrong. They got upset because we hadn't found them wrong and hadn't
20 done something about it. In a real way, we're all parts of all those
21 who have gone on before us. We've had strong leaders to set examples
22 for us. And Aubrey, this is probably going to embarrass you, but I want
23 to thank you right here before this group for all your work that you did
24 with us, and we're doing things basically the same way that you did when
25 you were there. None of it's different. And if you came back, it'd be
the same. So thanks for that.

1 Also, it helps to have a regional NRC person who's been
2 around awhile, who's had stability and somebody's always cared in that
3 respect, too, and that's Richard Woodruff as far as we're concerned.

4 The team was -- our team was composed of Dick Blend, Joe
5 Pechico, Richard Woodruff and these guys were very, very nice to us,
6 cooperative, a good experience from it. Bill Silver from Texas came and
7 participated with us. He was the state person on the team. We learned
8 -- Bill helped us a lot.

9 Steve Collins on the management review board. They were all
10 very cooperative and helpful, and we thank you for that. We passed
11 IMPEP. I guess something was good. One suggestion I'd have. The IMPEP
12 review team is trained, and they're given a lot of material on how to
13 interpret things, exactly how to give a good evaluation on a particular
14 area or whatever. And I'm not sure that all that literature and all
15 that training material that's provided to the IMPEP teams should not
16 also be given to the program directors, and particularly those of us who
17 are interested in doing our own IMPEP program before the NRC gets there.
18 Thanks.

19 MR. CAMERON: Thanks, Kirk. I think we'd all like to keep
20 you up there to keep us laughing. That was great. And I guess
21 questions for David or Kirk on self-audits, suggestions on how to make
22 the good practices report more useful. In that regard, Kirk, you raised
23 one point about the fact that you don't get all the good information
24 that you used to before. Is there any way that that can be remedied
25 through the IMPEP process.

 All right. Anybody else?

1 MS. SCHNEIDER: Kathy Schneider. I do want to say, Kirk,
2 that we are, as we're doing the procedures, and like you say, there's
3 all this guidance that we started when we went to the pilot in the
4 interim implementation. It is our intent that those procedures where
5 we're documenting everything will go out to everybody for your comment.
6 We'll finalize them, and then you'll get copies of it so that all the
7 guidance my teams have, the states will have, too, so there'll be no
8 surprises.

9 MR. CAMERON: Okay, thanks, Kathy. We have a comment from
10 Aaron. Oh, sorry.

11 MR. PADGETT: I'd like to pick up on the one comment about
12 the representative from the region in having a good experience there and
13 having that person available and answering questions and so forth.
14 We're in the same region, had the same person, and I would just like to
15 second that.

16 This is in no way trying to put anyone else down. I have no
17 experience with the other regional reps. It is just a bit of a concern
18 to me, though, and I'm not quite sure how to rectify this. I'll just
19 throw this out.

20 That IMPEP is a very good process. We were the first one in
21 it, and we liked the process. We think it has a lot of potential, and
22 we hope that it continues to show that potential and the realization of
23 some of the potential. Pardon me.

24 But I also note that it takes a lot of time from that
25 regional rep, and he's out of the office a lot. And a lot of times now
when you call, the regional rep's on the road. He's not available to

1 you. And certainly when he comes back in, the phone calls come back.
2 The contacts are still made.

3 But we're losing a little something there in this, and I'm
4 not quite sure even how to address it, much less how to make it right.
5 But it's something that you need to take a look at and see is there
6 something here that we need to maybe fix somehow.

7 MR. CAMERON: Okay. Thanks for that suggestion, Aaron.
8 Let's take a break, come back at 3:05. We have a couple more topics to
9 go here. So we'll see you back here at 3:05.

10 [Recess.]

11 MR. CAMERON: And then Joe is going to also introduce the
12 subject of the NMED Program. I keep saying Joe is going to do this, but
13 -- oh, there he is. Great. I thought maybe you run out on us. And
14 then we're going to have John Greeves to talk about an extremely
15 important rulemaking that the Commission is undertaking on what's known
16 as clearance. I guess not better known any more as recycle, but it
17 sounds better for some reason. And Trish Holahan is with us who's on
18 that project.

19 Okay, Joe, are you ready? Rosette, are you trying to get a
20 message? Oh, and I'm sorry, yeah, Sam Pettijohn, thank you, is going to
21 roll on right after Joe. Joe's going to give him an introduction.
22 Okay, Joe.

23 MR. KLINGER: Well, I kind of feel like Kirk Whatley now
24 because -- or like Dennis the Menace, I'm following Kirk, and it's
25 really about the same thing, you know. So much of my information that I
was going to discuss has already been discussed. So I'm going to cut

1 short my first presentation because I want to talk about something else
2 a little bit later.

3 So I was one of those surprise presenters. So I have the
4 surprise presentation.

5 [Laughter.]

6 MR. KLINGER: But that will come after this. Okay.
7 Agreement states sealed source and device evaluation issues. We've been
8 talking about the wonderful IMPEP experience, and we in Illinois enjoyed
9 the IMPEP experience. It's a very good process, and we've heard all
10 these great things.

11 One aspect about the process was a little disheartening, and
12 that was the sealed source and device portion of it. But let's quickly
13 think about why we review sealed sources and devices. It's really to
14 protect public health and safety by preventing inadequate sealed sources
15 and devices from being distributed and used by the public.

16 And then we set up this great registry that we have. Now
17 this is real important. I remember in Texas we had this one firm that I
18 think is still in business that wanted to come by and show us their
19 prototype X-ray fluorescence analyzer. And I didn't go to the meeting,
20 but it was like two offices down from me. About 15 minutes into it,
21 they were demonstrating it. And I saw the person running down the hall
22 with this portable X-ray fluorescence analyzer with smoke pouring out of
23 it. He said, "I'll see you in about three weeks."

24 [Laughter.]

25 MR. KLINGER: So he had to make some changes. And those
can't happen. You want to catch that before you see your regulator, but

1 that doesn't always happen either. So we have to be very diligent, and
2 we have to be able to review these sealed sources and devices because
3 they're being distributed throughout the world.

4 Okay. So -- and what does the registry do? It helps the
5 license reviewers license these things when people want to use them in
6 their state. And plus, whenever you find a source -- and we're finding
7 more and more of these sources out there and devices that are being
8 discarded, and that's something I want to talk about later, you can use
9 this sealed source and device registry to try and identify what this
10 thing is. So they're very helpful.

11 Okay, a bit about the background also. We've seen major
12 improvements in the whole registry. You can remember in the past -- oh,
13 this is the same thing. The old things -- Earl Wright, I think, was the
14 NRC person that did so many of these evaluations. I've seen his name on
15 so many of the old ones. And typically, they were about two pages in
16 length. They were rather non-standardized, and you know, they were very
17 limited on how helpful they were. So over the past decade at least,
18 maybe the past couple of decades, we've really improved the process. We
19 have very informative sheets, very good diagrams. They're very
20 informative. It has all the limitations and considerations for use that
21 help the license reviewers, and all the states know how to license
22 these.

23 So it's a very important function. We appreciate that. By
24 the way, as far as the registry being on the Internet, that's a
25 wonderful improvement, I think, and I think kudos to whoever put that on
there. I think Jim Myers. So it's very, very nice to have that.

1 Okay, now, some of the issues. I said it was a little
2 disheartening, a little frustrating part of the IMPEP review. Now this
3 was just an observation, a feeling. When did this happen? Professional
4 engineers, good; health physicists, no good. It was just a feeling we
5 got. And no one said you had to be an engineer, but I'll guarantee you
6 every one of you that have been through this with sealed source and
7 device evaluation portion, you definitely came away feeling inadequate
8 because you were not a professional engineer.

9 And I almost felt like I had to apologize for not being a
10 professional engineer, and that's not right. We've been doing these --
11 Ed agrees, yeah. Ed is a professional engineer as well. A little
12 biased.

13 And it certainly would help. But do you have to be a
14 professional engineer to do these? I hope not because non-professional
15 engineers have been doing these evaluations for decades, and I think
16 they've been doing a fine job.

17 So is it a requirement? No one's really said it's a
18 requirement. I'm just saying that's a feeling that we get. And it came
19 across loud and clear. And maybe it's because the people that were
20 conducting that portion of the IMPEP review were engineers, so a little
21 slanted probably there.

22 So it's something -- the training. I heard from a couple of
23 states where they said that because they were non-engineers that they
24 went to the workshops that that would be adequate. That would make your
25 people qualified even though many of those had been doing it for years
anyway.

1 And so then they went, and they still didn't feel like the
2 people were qualified after they went to the workshops. So I think we
3 need to get a real clear understanding of the training required and
4 what's acceptable because there's some really fine people who've been
5 doing a great job that they're suspect because they're not a
6 professional engineer.

7 And we do have engineers available. In Illinois, the review
8 team was satisfied because whenever we felt like we needed an
9 engineering decision, some review by an engineer, we had a -- and we had
10 it tracked by documents, we would refer it to our engineer group, and
11 they would review it and they would come back to us with their
12 engineering decision and stuff.

13 But it doesn't happen all that often. We're looking at the
14 health and safety associated with these. And oftentimes it's a basic
15 shutter mechanism that's been employed for many, many years. So what's
16 the concern. Things like that that, you know, there's not really all
17 that many engineering issues that come up all the time. And it might
18 seem kind of strange, but it's true.

19 Okay, another issue. We keep talking about the
20 performance-based approach of IMPEP. It didn't feel that way, not on
21 the sealed source and device. The only performance base was if you
22 performed it exactly the way they do it, then you were okay. And that's
23 the way we felt. And I'm not saying they said it has to be exactly
24 that. But, boy, if you departed in any way, you had to explain. So,
25 again, I think they can improve on that. Make it more
performance-based. Take a look at the evaluation. Is there something

1 in that evaluation that's suspect, that could result in a public health
2 and safety problem. Not that we didn't follow the checklist exactly
3 like your checklist. In fact, we feel like we have a lot of
4 enhancements.

5 I think one state was criticized because they used the NRC
6 checklist and nothing else. And I mean, that's kind of weird. You use
7 their own checklist, and you get -- so that's another issue. It was
8 very frustrating for some of the states.

9 Another issue are the comments section. It used to be when
10 we had our reviews for decades, they would come out and they would look
11 at 15 sheets or so. And then they would have a long list of little
12 comments, little suggestions, very constructive approach, and we found
13 that very helpful.

14 Well, we had that this time, too. But all those ended up in
15 a report. And so then it was -- by making it a formal part of the
16 report, it just -- it formalized the whole process and just made it so
17 tedious because then you had to respond to each one of those
18 suggestions. And then to explain to your supervisors, the bosses and
19 the head of the agency who isn't that familiar with sealed source and
20 device evaluations why this really isn't a big deal. Sure, there's a
21 lot of suggestions, but a little difference in approach, and they have a
22 hard time understanding when they see several pages or Appendix G.

23 And then staff gets very defensive because then it's like,
24 well, I can't believe they pointed that out. So then you go back and
25 forth, and then you respond to NRC's response, and it's seemingly
endless. Whereas, in the past, it was very constructive criticism. We

1 would take it, and we would incorporate the changes as necessary, and it
2 worked fine.

3 So I would like to see a return to that more. And I think
4 several people have mentioned that already. You know, leave those
5 suggestions out of the formal report. But they're very helpful. The
6 whole thing can be very constructive, and it used to be that way. And I
7 think it was intended to be, but it just didn't come across that way in
8 that area.

9 Concurrent review -- that issue kept coming up as well. It
10 was implied very firmly that you should have two independent reviews.
11 That's not going to happen in Illinois, or I don't know where that
12 happens. Maybe in the NRC, but not in Illinois. I don't think it's
13 necessary. You can't justify our costs or the \$110.00 per hour for a
14 reviewer. I just can't go back to somebody and say, oh, I've got some
15 good news. The first review's over. But now somebody else is doing the
16 whole thing.

17 It's just not going to work. And I remember Mr. Bangart
18 explained, and I think he did a good job at one of the meetings, and he
19 put the right spin on it, and you put a footnote in the management
20 directive at 5.6 to try and clarify it.

21 And I could live with that clarification, I think, because
22 it says you're not supposed to review every page independently. You
23 have two people read every page and go to the key elements and arrive at
24 the same conclusion. So I can live with that as long as that's clearly
25 understood by all parties involved that that's what a concurrent review
is because if people really think that it's a totally independent review

1 from page one all the way, that's -- I don't think that's happening any
2 place. Is it? Is anybody doing that? Is that what you do?

3 SPEAKER: --

4 MR. KLINGER: Okay.

5 MR. PADGETT: We just did our last one. We just did two or
6 three that way.

7 MR. KLINGER: Aaron Padgett from North Carolina said they
8 did a few of those.

9 MR. PADGETT: But we're not making any commitment to
10 continuing that.

11 MR. KLINGER: Right.

12 MR. CAMERON: Kentucky also -- Vickie and North Carolina
13 indicated that they do something like this.

14 MR. KLINGER: Is that what NRC does? Do they do two totally
15 independent reviews? That's what somebody thought, and I don't know.
16 Don, do you know?

17 MR. COOL: Don Cool with NRC. It depends on the device. In
18 a lot of cases, our review is in fact the key issue as opposed to a
19 complete page by page. In some circumstances or in circumstances where
20 we are in the process of training a reviewer, bringing up some new folks
21 -- and we have a number of those at this point, we do in fact do two
22 complete reviews because of that.

23 MR. KLINGER: Okay. Okay, so concurrent review was another
24 major issue. As far as major issues, that's pretty much all I could
25 get. That's all we had, and New York had several other concerns. I
talked to Rita, but Steve's already addressed those issues pretty much.

1 Another concern she -- she thought that all states should
2 have the capability -- this is -- she being Rita Aldrich -- that all
3 states should have the capability of doing sealed source and device
4 evaluations because you could be doing a custom made valve. And plus
5 you'd have to do some investigations from time to time. So she thought
6 that it shouldn't be a non-common performance indicator. It should be a
7 common performance indicator because of that. And I don't know if
8 anyone else feels that way, but I wanted to share that.

9 MR. BAILEY: Ed Bailey from California. But the reason it's
10 not a common indicator is because NRC regions don't do it.

11 MR. KLINGER: Okay.

12 MR. BAILEY: Isn't that correct.

13 MS. SCHNEIDER: That's correct.

14 MR. KLINGER: Super. Okay. Ruth?

15 MS. MCBURNEY: I concur with the comments that you've made
16 and some that Steve made about the -- because we had a similar situation
17 with our review. And one of the other concerns that we had was that
18 they made the findings based on one review -- not all the ones that they
19 reviewed, but one review of a custom device, not one that was going to
20 go in the registry or anything and not focusing on the fact it was a
21 health and safety review, as you said, rather than an engineering.

22 MR. KLINGER: Good.

23 MS. MCBURNEY: And also I was going to comment that we do on
24 new devices that we've not done similar ones to, we will have someone do
25 a key issues when -- a second review on top of that.

 MR. KLINGER: Okay.

1 MS. MCBURNEY: But we haven't in the past had two complete
2 reviews, and we just don't have the staff to do two complete reviews.

3 MR. KLINGER: Same here. Great. Okay, anybody else have
4 any comments? Any issues regarding sealed source and device portion of
5 the IMPEP? Great. Okay.

6 Ed said he felt like a stepchild. So I thought we need to
7 talk about orphans, then, because orphans are showing up all over the
8 place, not only in this country, but throughout the world.

9 I've read some articles about in the former Soviet Union
10 that there's all kinds of just thousands and thousands of sources that
11 are unaccounted for, and they'll be showing up. It's just a matter of
12 time. And so we have to be prepared for this.

13 So I thought since I cut that brief and fairly short that I
14 would be able to take advantage of this and have a surprise
15 presentation. But it's related to the NMED which will be coming up,
16 too.

17 And this is on the E-34, the Orphan Source Initiative. I
18 think it's a very important subject where we respond to monitor trips
19 all the time, and we need to do something about this problem. People
20 are out there. They're finding radioactive material. And if we don't
21 help them, they'll be throwing it out. And so we have to come up with a
22 better system.

23 And right now, it's like finder's keepers, and you're stuck
24 -- I mean, you really are. And so that can't continue. And our federal
25 agency with one representative here has really been helpful in this
regard. They have. So you can bully us all you want as long as you pay

1 us because there's like \$200,000 they put into this effort so far. So
2 it's really good. Okay. There's an E-34 Group of the conference.
3 These are the members chaired by Free, Sarah Rogers and Jim Yusko. And
4 then we have representatives from the federal agencies that participate
5 in this as well. It's Deb Broaddus and Neal Norraine from U.S. EPA and
6 Rod Campbell from the DOE because all of these people are key
7 stakeholders in this effort.

8 We also have several advisers. Jack Jacobi and John Freney
9 from New Jersey, and Sam Pettijohn. And you'll see why here shortly --
10 why that's very important to have Sam and Bob. Our goal is to develop
11 and facilitate -- this is our task -- develop and facilitate
12 implementation of a dynamic nationwide system that will effectively
13 manage orphan sources.

14 We're trying to come up with a way of when people find these
15 things, they have an easy outlet to find out what to do with it and to
16 properly disposition it. I didn't say dispose -- I said disposition.
17 Disposition encompassing recycling and providing it to some other
18 licensee that's interested in it; sending it overseas for whatever
19 purpose. That's happening now -- recycling. Some of the Amerasians
20 going over. Bay bigs doing that now.

21 And then if you can't find any other alternative, then
22 dispose. Okay. So that's what we're trying to do, and we're trying to
23 make a whole system of information available. The first thing we had to
24 do was define orphan source. We could spend all day defining orphan
25 source, but that's what we came up with. I won't read it. Just take a
look at it. That did take a long time just to come up with what an

1 orphan source is because everybody has their own idea. But really if
2 you're not sure that that source is going to be properly maintained in
3 the long run whether it be a licensee or not, you've got to take some
4 action to get it in the right place.

5 Okay. Some of the things we want to do. The conference has
6 a website. We want to have -- in fact, it's already there. We just
7 have to add a lot to it. An orphan source site on the web page that
8 will give all, you know, Terry Devine's information, all the waste
9 brokers and all these people that are interested in the different types
10 of radioactive material. You'd have that information there. So that's
11 in the works.

12 Another thing is right from the first time we met which was
13 in January, we thought one of the tasks was you have to get your arms
14 around this problem. How do you know where these sources are, how many
15 are out there, create a database, and we're going why create a new
16 database, and why create something that -- why not look and see what's
17 out there.

18 And that's when we came up with the idea of the NMED.
19 That's something that's out there already. A lot of people use it. Not
20 everybody uses it. And I'll be the first to admit Illinois is not one
21 of the real cooperative people.

22 But if we can add something to the NMED that will provide --
23 let's say, you find a source in one locale, and you can search NMED and
24 find out who that responsible party is, then that's a real benefit. And
25 you do it throughout the United States and then eventually throughout
the world.

1 So when you see more of a benefit, then that's why we're
2 more interested in NMED, and that's why we want to see this thing work.
3 So we thought we could save money that's dedicated to our orphan source
4 group which I said is \$200,000, and instead use that money that we save
5 by using the NMED system to actually disposition some sources.

6 Okay, so then we most recently met October 14-16. We
7 reviewed the survey. We surveyed everybody. I know it's like, oh, no,
8 not another survey. It was necessary to try and get an understanding of
9 where these orphan sources are right now, how many are out there.

10 And then we had to develop a formula to decide which of
11 those identified need to be dispositioned in the most expedient way.
12 And I learned that you cannot use our funds now for disposal which was a
13 real setback for us because we thought, well, we'll save all this money,
14 and we'll be disposing all these sources. There's a little catch. We
15 have to do a pilot program, and if some of those sources need to be
16 disposed of in the pilot program, that's okay. We can use the money for
17 that. But after the pilot program is over, then we cannot use this
18 money for disposal. So we're going to have to try and get a source of
19 disposal funds either from industry or from other agencies.

20 So what we did then is we decided that B-34, this group that
21 I identified earlier, will act as a review board, and what we'll do is
22 we're going to test -- we're going to have Terry Devine and conference
23 people actually do the investigation themselves.

24 Right now, we get all these survey reports. It's like one
25 state had, I don't know, 50 of them or so, 50 different sources. And if
you just go back and say, well, this is -- you might try this. You can

1 call so and so. This might be a disposition option. And you've got
2 from 50 different locales people calling around. It's just not going to
3 work. People will get frustrated. They'll say why did they even bother
4 going to them.

5 So what we decided to do is we're going to have Terry Devine
6 and whoever help he needs under contract to actually be a clearinghouse,
7 to actually find a home for this. Right now, he does it part time just
8 as he can, and he provides some information. That's not good enough.
9 We want to go there, find the best home for the source, and then get
10 back to the people that reported it. And in this way, having one
11 contact throughout the nation to do that, they'll be aware of all the
12 different options because I think that's the most effective way of doing
13 it, and it's going to save all of you a lot of effort that way.

14 So we're pretty excited about that. And then, by everybody
15 cooperating with NMED and this whole system that we're setting up, then
16 we'll identify all these sources probably that need disposal. Then we
17 can go out and get funds for disposal eventually.

18 But the survey so far, we had 17 states. There's 50 states,
19 and only 17 responded, and three of those said they didn't have orphans.
20 So we have about 250 sources identified so far. A lot of those are
21 pretty innocuous sources. But there will be some sources that have to
22 be disposed of in a low-level waste site, and we will take care of those
23 under the pilot program

24 So it's not too late. You can still, if you have orphan
25 sources in your state, please feel out the survey forms and submit it.
So, a few other issues about E-34 before I turn it over to Sam to talk

1 about NMED is we don't really want to be in the brokerage business.
2 We're just trying to come up with the best service for people and come
3 up with the best disposition option. This committee will have to be
4 longstanding because these orphans are going to continue to show up. In
5 fact, there'll be more and more. They're putting out more detectors.
6 So they're going to find more sources, and then those need homes.

7 And we also support the DOE. The source recovery program --
8 that's the greater than Class C program. We, being the conference,
9 wrote two letters to the Secretary of Energy. The first one was
10 ignored. The second one was not ignored, and they apologized in that
11 letter for ignoring us the first time. And they were not funded.
12 That's why we sent the letters. And now they're funded Fiscal Year 1999
13 for \$1.6 million. So those letters, I think, did help a lot. And I
14 think Rob Campbell said that they're going to try and recycle about 41
15 sources this coming year. So that's pretty good.

16 So we also encourage all of you to take more aggressive
17 actions towards your generally licensed devices, and NRC is embarking on
18 that program. They've got proposed rules out. Texas, Illinois and some
19 other states are really tracking these sources.

20 We do it by serial numbers now. And we're trying to account
21 for every generally licensed device that's out there above a certain
22 activity that's consistent with the working group recommendations.

23 But, again, we can't just sit back and wait for everybody
24 else to do stuff. You other people out there, if you can with your
25 resources, try and get a handle on those generally licensed devices.

It's not the panacea, but you've got to do it eventually. And maybe in

1 the long run, we can cut down on the numbers of orphans that are showing
2 up.

3 And in conclusion is we just solicit your cooperation,
4 patience and participation in our efforts as we try and do something
5 about this program. And we're real proud of our effort. But I don't
6 think it's going to mean a whole lot to people until you actually see
7 some sources be disposed of through our pilot program and have a system
8 up and running. That's what we're working on, and that's what will be
9 available probably within a few months.

10 Okay, anybody have any questions before I turn it over to
11 Sam?

12 MR. CAMERON: There's one up here.

13 MR. GAVITT: Just a matter of clarification. You mentioned
14 the DOE greater Class C source recovery program. The way I understand
15 is that if we have to approach the NRC, so it's federal agency to a
16 federal agency. We have a greater than Class C radium source that we
17 had to take off the street. So obviously that's something that we have
18 to go through, I guess, the EPA where you try to pursue various options.
19 Do you know if the EPA is going to plan a similar program to be --

20 MR. KLINGER: Actually, this is EPA's program.

21 MR. GAVITT: It is.

22 MR. KLINGER: Yeah, because EPA is funding it. Rather than
23 running it themselves, they said let's fund this and go through the
24 Conference of Radiation and Control Program Directors because that's a
25 more appropriate thing. We're the ones responding to these events.
We're the ones that are really responsible for these sources.

1 So EPA's come to the conference to try and solve this
2 problem, which I think is great. It's laudable, you know.

3 MR. GAVITT: So is there a mechanism for greater than Class
4 C sources?

5 MR. KLINGER: For those, yes. As far as finding a home
6 right now, just fill out the survey form, put it into our system, and
7 that's what we'll get back to you on and say this is the only possible
8 option. And if we get enough of those, maybe we can make some special
9 arrangements with the disposal site to take care of it or with the DOE.

10 I mean, DOE's wanting to -- all the federal agencies, NRC's
11 trying to do it, too. EPA, DOE, everybody recognizes the problem. And
12 they want to do something about it. They're just not sure what they can
13 do, and what the best approach is. That's why I'm real thrilled that
14 they went to the conference so we can develop this together and come up
15 with what we need in a system. And then they can go out there and try
16 and find the funding.

17 EPA has already touted this program in international forums,
18 and IAEA is already wanting to adopt this program internationally.
19 That's why it's really put some pressure on us because they said, well,
20 you've already sold it, but we're still developing it. I'm real happy
21 about them being able to sell it and other people being impressed. But
22 we still have a lot of work to do ourselves. But we're excited about
23 it, and I'm sure we will be able to do it here shortly and have some
24 disposition options.

25 And industry -- I mean, it's still industry and everybody is
really excited about it. So right now, even though we don't have a

1 source of disposal funds, in the long run we think we can get it by
2 showing a need and by these other agencies and maybe even industry -- go
3 to industry. Maybe they'll put a pool of money together to try and
4 help. Yeah, Steve?

5 MR. COLLINS: Steve Collins of Illinois but right now
6 representing the CRCPD. At its board meeting in the last two weeks, the
7 CRCPD did acknowledge that NRC's expenditure for NMED was essentially
8 matching the EPA funds for this particular project.

9 And one of the commissioners basically said we should be
10 matching EPA funds in every way. And the DOE representative was there.
11 And as soon as we finished all of this patting everybody on the back, we
12 turned and looked and said when are you getting in the game. This is
13 your invitation.

14 We made two or three requests at that meeting for the DOE
15 representative to go back and carry the message back that you stand to
16 benefit as much as anybody from this process. Where is your \$300,000
17 this year or \$200,000 and \$100,000 for each year for the next two or
18 three to get this going. So in your behalf, the board -- the conference
19 is really pushing to try to get this equally funded from all those
20 parties.

21 And the other thing was Joe made it clear, but I want to
22 make it even clearer to that one representative that's here that none of
23 these funds funneled through the CRCPD will be spent for disposing of
24 sources. They may be spent to test the effectiveness of the pilot
25 project.

1 MR. CAMERON: Okay, that's a good distinction. I see --
2 Don, you want to comment?

3 MR. COOL: Don Cool from NRC. A couple of points more to
4 let people know some of the other related issues. We're going to be
5 talking about general license tomorrow morning.

6 One of the other things that the Commission gave to the
7 staff and the staff requirements to kick that off was some specific
8 direction with regards to orphan sources participation in this group,
9 working to formalize what has been a more informal mechanism with DOE.
10 That mechanism, as we've already pointed out, was focused primarily on
11 the greater than Class C. You should note, however, that we have had
12 fairly good success in situations where sources have been in the
13 environment uncontrolled and where there was a need to take control of
14 them of going through a process. And, again, Doug Broaddus of my staff
15 has been the principal contact person of going through, checking with
16 Terry, other folks. The E-34 process is going to be the process we're
17 going to be using to check some of those.

18 When those -- I won't say failed, but don't identify a good
19 relatively rapid disposition mechanism, we have in a number of cases
20 then been able to go to DOE with here's the situation, here's what we've
21 done, and we have a little checklist that we go through. And DOE's
22 gotten pretty comfortable with that such that they have then gone and
23 used some of their funds even in situations which were not greater than
24 Class C to enable the recovery of those devices and disposition either
25 through contracts that they have to a waste broker. In a couple of

1 cases, they've gone and gotten a contractor who wanted to reuse it. But
2 otherwise so there are several things going on there.

3 The NRC staff is at the moment on the hook, if you will, to
4 prepare a paper for the Commission by about the end of this year. It
5 talks about the efforts in the orphan source arena to update them on
6 what's going on there and to present them with some options associated
7 with possible funding for the disposition of those.

8 And so the Commission is going to be looking at that. The
9 Commission's going to be faced with some rather interesting dilemmas, of
10 course, because its hands, depending on how you do it, may be a little
11 tied about expenditure of funds to make sure that they're related to AEA
12 sources as opposed to NARM sources, and the number of the discreet
13 sources, as Joe will tell you, that are running around are NARM and
14 other sources.

15 But the Commission will be considering that late this year,
16 early next year.

17 MR. KLINGER: Great. Thanks, Don. One last thing before I
18 turn over to Sam. This is real important. With the NMED, we said from
19 the start it has to cover all radioactive material, not just byproduct
20 material because most of your monitor trips and stuff, all the things
21 that we're finding, most of those are NARM.

22 And they listened, and they are modifying the system for all
23 radioactive material and will be providing it to non-agreement states,
24 as I understand, too. Okay. I mean, that's really a big step. Now
25 that's wonderful.

1 So I've got to convince some of my own staff that NMED is
2 great, too, because it's real important as part of this overall effort.
3 So without any further adieu, Sam.

4 MR. PETTIJOHN: I guess this is about maybe the fourth time
5 that I've given a presentation with the Organization of Agreement States
6 on NMED, and I guess I've found it's improving each time.

7 Usually, I'm at the last day of the last meeting, the last
8 session of the last meeting. So I'm on the last session almost of the
9 first day. So that's an improvement.

10 [Laughter.]

11 MR. PETTIJOHN: Secondly, as you can see, you'll see by the
12 presentation that there has been continuing improvement as far as -- or
13 receptiveness and cooperation as we proceed, and that's what my
14 presentation is about today. I wanted to give you some information that
15 perhaps you did not have, and it's very brief. It's in three parts.

16 Notice on my first slide, LEAM is not learned. But the idea
17 behind a national database really is to learn from experience and from
18 minor problems. Now I don't expect any time soon that databases will be
19 looked forward to -- presentations about databases in joyous terms.
20 Usually, when I mention NMED, I still feel a little like Rodney
21 Dangerfield comes to mind, some of his jokes about respect and the like.
22 But I've continued to move ahead. And, as Joe indicated, because of
23 some recent developments and in particular he used the NMED for the
24 CRCPD Project, then I think we're moving in the right direction. So I'm
25 looking forward to a lot of progress.

1 If you notice -- and if those who don't have the handouts, I
2 have two sets of handouts. One is a newsletter, and one is, of course,
3 the slides that I'll walk through very briefly.

4 We started a newsletter, again, to try to promote the NMED.
5 I think the next time if I'm invited back again, you know, we plan to
6 have NMED buttons and a movie that runs continuously promoting NMED.

7 Anyway, let me just go through these. The presentation is
8 really in three parts, very brief. But I wanted to just give you a heads
9 up -- or not so much a heads up, just give you information on where we
10 are in terms of how states are reporting currently to NRC through the
11 NMED, and then what I know the data are being used for, which is the
12 first two slides.

13 And then there are about three slides in which -- since I
14 had an opportunity to speak to the managers of the agreement state
15 programs, I wanted to just walk through the process that's recommended
16 for reporting and using NMED.

17 I've reviewed these procedures a number of times with your
18 staff or members of your staff. But I wanted to review it with the
19 managers since that's really the only way it's really going to happen.
20 And then the last two slides, I'll just give you some things we did last
21 year and some things we are looking forward to doing in 1999.

22 Actually, about two-thirds of the states have indicated
23 they're a contractor either through us or directly that they do have
24 NMED installed. And if you notice, all 30 of the states submit some
25 information to NRC, and about two-thirds of those, that is 18, do submit
information in either a diskette or e-mail.

1 We're looking forward to the top number turning to 30 plus,
2 and the number seven there turning into 30 plus. And that is, we would
3 like to see the states submit monthly reports in NMED format in order
4 for the system to work. As far as -- I got a couple more things.

5 Also, I just wanted to mention and if you have a copy of the
6 newsletter, it's addressed in the newsletter also that we do have a
7 query version of NMED on the Internet. To date, about a third of the
8 states have asked INEEL for a password or signed up for NMED. It's on
9 the Internet. But in order to access it, you have to contact the
10 contractor, and the contact is in the newsletter. You can send an
11 e-mail to Gary Roberts. It's indicated in the e-mail, or to myself, and
12 my e-mail address is in there.

13 You have to do that because it's not publicly available, but
14 they'll hook you up as soon as you make a request. Just as far as a
15 point of information, a little half -- not quite half the states did ask
16 INEEL for some assistance during the last year either to hook up NMED or
17 ask them to do queries.

18 Now the question always is what are we collecting the
19 information for, and these are some of the ways that I know the
20 information in fact has been used. We have a couple examples in our
21 newsletter. I field some of these questions. We've provided industry
22 like AMASHAM or SPEC has called and asked about failures of radiography
23 cameras. We know that people have used this to identify similar events.
24 And we provided copies of NMED to contractors for NMSS and for research
25 who are doing various studies.

1 And routinely, using NMED, I get a lot of Freedom of
2 Information Act requests. Unfortunately, they come through because of
3 being involved in NMED. Basically, a lot of cases, NMED may not be the
4 sole source of information, but it helps focus the search for the
5 information.

6 I think the things that are missing off this list here are
7 that I believe that NMED could be used more effectively in the licensing
8 and inspection process. Certainly, if persons are doing inspections and
9 this is NRC inspections in particular, even for states in particular
10 areas, it could be helpful to find out all the events for particular
11 groups of licensees in the area where you may be going to contemplate
12 doing inspections.

13 The next three slides, I just want to walk through the
14 recommendations again. I've given some training a number times to
15 various agreement state staff, and I can kind of go through this. But I
16 wanted to just briefly go through this with the managers.

17 What we do recommend is if you use NMED for your local
18 database, that is just your database for yourself which means you put
19 all of your events in there, then the database has a facility to make it
20 very easy to send information into NRC.

21 There's a handbook that was sent out that gives guidance on
22 which events the NRC's interested in receiving. We're available if
23 someone would like to set up some additional training. As far as the
24 actual reporting, typically if -- well, not typically. But the handbook
25 says that if events are required to be reported to the state promptly,
the NRC would like those events reported within the next working day

1 which would be called into the Ops Center. Otherwise, if you had
2 reports like a gas gammatograph or something that's routine that would
3 just be sent in on a monthly basis if you were using the NMED Program.

4 In any event, though, what we're really missing is follow up
5 information. We get a report of a source or incidence that was lost.
6 And even though the gauge might be found three weeks later or a month
7 later, it never gets posted to the database because we don't get the
8 follow up information.

9 We also have that same issue involved in a number of
10 over-exposure reports because the over exposure really -- you wouldn't
11 know that until some investigation is done. If you notice here, we are
12 asking if you would to submit hard copies of inspection investigation
13 consulting reports when you have more significant events and you have
14 these kind of things that take place such as inspection investigations
15 if you would send us copies of the reports.

16 The reason for wanting copies is that we put those in the
17 NRC regulatory information distribution system which is called RIDS.
18 And so anyone who is looking for those events would be able to retrieve
19 those reports because we tie those into the NMED record.

20 We are going to try a program of asking the contractor to
21 call the states back if we don't have sufficient information to make
22 sense of a record in NMED. In particular, we get a number of reports in
23 which we don't have the isotope activity, model and serial numbers. And
24 as you listened to the presentation earlier and if you look at the
25 application of NMED on the Internet, you will see that you can -- if you
know a serial number, this is current right now. If you know a serial

1 number of any device, the Internet version now allows you to put in that
2 serial number, and it will look up if there is any record or report of
3 that device having been sent in to NRC.

4 So model and serial numbers are very important. Just to
5 highlight what we thought -- or at least I thought, perhaps, were things
6 of importance in 1998, was again the Internet version. We got the
7 Internet version of NMED running. We published a newsletter. The
8 newsletter, we hope, will help promote the use of NMED.

9 We also hope it's a good feedback mechanism for allowing
10 your staff or others to spread information around if there might be
11 particular points they may be interested in. We'll try to provide
12 helpful hints, you know, to those using the database of the newsletter
13 also. It's less formal. The newsletter actually is on the Internet.
14 It's Adobe format. So actually you can just print it out of the
15 Internet -- if you access the NMED on Internet, it prints out just like
16 you have it there.

17 We also -- AOD, we completed a study using NMED data on loss
18 of control of a curie bits. The manuscript is completed, and that
19 should be published probably by the end of November.

20 Things that we're planning to do next year. The big item on
21 our NMED list is supporting the conference on radiation control program
22 directors office source project. We're going to have to rewrite our
23 software for NMED because of YK 2000 and so forth. That's a big part of
24 what we're going to have to do.
25

1 And the big initiative is we really want to try to work
2 closely with the agreement states and try to get those numbers up at
3 least to where we have 100 percent participation.

4 The last slide is just for information interest. I just
5 thought sometimes people may wonder how many events do we get to come
6 into NRC. And it's interesting that in 1993 was when we started the
7 NMED Project. The number was higher than it is now. It dropped down,
8 but started back up. What happened, I think, is that we improved the
9 definition somewhat of what was reportable. This count here represents
10 events that have been sent in that have a requirement in the NRC or
11 agreement state regulations to be reported.

12 And earlier, there was less care given, I believe, in terms
13 of ensuring that they actually met a reporting requirement. Then as we
14 get down here to 1996 and start up 1997, we're starting to get more
15 reports from agreement states. Also, NRC picked up gaseous diffusion
16 plants in March of 1997, and we saw an increase from reporting of those
17 facilities. So that concludes the part that I have. If there are any
18 questions.

19 MR. CAMERON: Thanks a lot, Sam. That was a great overview.
20 How about comments on NMED? Jake?

21 MR. JACOBI: First of all, I congratulate you for putting
22 NMED on the Internet as a half step. Colorado, maybe we're unique
23 because we've never been able to just have an e-mail of information like
24 the programs supposed to work. And when I look at your data where many
25 states are sending you information that's not in the NMED format, I
maybe assume maybe Colorado's not the only state.

1 And to me, it seems it might be more economical if instead
2 of rewriting your program in AXIS-VII and distributing it to the states
3 and having to redistribute to the states every time you want to do an
4 update, if you had data entry directly off of the Internet, it would
5 save you times of all the data distribution, and you wouldn't have to
6 worry about systems firewalls, trying to transfer information back and
7 forth.

8 And any time you wanted to update the system, you could do
9 it right then and there.

10 MR. PETTIJOHN: Okay. We're going to offer -- we plan to
11 offer limited, I guess, data entry by way of Internet. However, I
12 believe that the states -- this is our belief -- that the states would
13 not necessarily benefit because you have to maintain two separate
14 databases. What will in fact happen is because of the current software
15 with Microsoft software that in our next application you will simply be
16 invisible, that you're not on the network. In other words, you won't
17 know from your desk top whether you're actually -- in other words,
18 there's a transparency between the desk top and the Internet.

19 But if we have data entry so that you put all of your events
20 into a common database, then you would, I believe, would have to put all
21 of your events, even the ones that may not really be events, into that
22 database.

23 MR. JACOBI: But isn't that what I thought I heard you ask
24 that you would like us to use this for all of our information?

25 MR. PETTIJOHN: Well, operationally, we find that NRC's,
when I was doing this for a good while, that we have events that don't

1 really meet reporting requirements or they're just under review, and
2 they're really things that we're looking at that we have to keep track
3 of.

4 And so those are the reasons that we had to keep a local
5 database. But just to answer your question directly, we are going to
6 offer -- begin offering with the offering source project an option for
7 states to enter information. But, again, because you know NRC is only
8 regulating atomic radioactive material, and so there is a problem of the
9 state having to maintain two separate databases. If anyone else has any
10 comments on that.

11 MR. CAMERON: Don Bunn, I think, California.

12 MR. BUNN: Yes, thank you. Yeah, I, too, wanted to add to
13 Joe's talk as well as Sam, E-23 Committee of CRCPD met in October, also.
14 We discussed primarily landfill alarms, and we came away with the
15 recommendation that we're going to present to NMED that these be
16 included in the NMED database.

17 They severely impact our staff, our resources, although
18 they're mainly contamination events. They can be handled probably at
19 the site when you get there with your portable MCA or your appropriate
20 equipment. They still impact greatly on all the state programs.

21 And rather than place them under the other category, I think
22 it would be helpful if they were separated by themselves as landfill
23 alarms or as resource recovery materials in the environment that are
24 showing up all over the countryside. And you know, I would like to see
25 the orphan source program go on, but also take care of contamination
events, too.

1 MR. PETTIJOHN: Thank you.

2 MR. CAMERON: Okay, thanks, Don. And thanks, Sam and Joe
3 for the presentations. We're going to be going to John Greeves from the
4 NRC now for a presentation on the clearance rule. And just let me
5 remind everybody that the reception tonight is at 6:30, not 6:00, and it
6 will be in the Terrace Room, and that room is right off of the front
7 registration desk when you come into the hotel.

8 All right, John, you ready?

9 MR. GREEVES: Well, good afternoon. Can you hear me?

10 AUDIENCE: No.

11 MR. GREEVES: How about now?

12 AUDIENCE: Yes.

13 MR. GREEVES: Some of you have handouts. I'm going to try
14 and speed things up. So I'm going to skip a couple of the slides.
15 There's handouts out front. They've been out there for a while.

16 It's probably good we didn't mention to Commissioner Diaz
17 about the extra half-hour. Actually, I was a little worried about him
18 spending four hours talking about the subject I was going to be
19 addressing this morning. So fortunately there is quite a bit of the
20 material that I have that is not repeat activity.

21 But what I really want to talk about are two activities,
22 one, we refer to as the clearance rulemaking, and the other is the
23 standard review plan that we are developing for the license termination
24 rule follow up.

25 It is interesting. We have talked today a lot about
resources. There's a lot of resources that the agency has committed to

1 both of these program areas, and it sort of makes me wonder what's going
2 to happen in the future when the agreement states grow.

3 I just worry five years from now how the agency's going to
4 fund these types of activities because we do -- fortunately, I do have a
5 fair amount of resources applied to both of these activities.

6 And I think of both of these as items that very much are
7 going to affect the agreement states. Most of the action is with you.
8 You actually have most of the licensees. And part of my bottom line is
9 I would like to encourage you to engage in this process on both the
10 clearance rulemaking and the standard review plan development.

11 I heard some reference to encouraging some screams. I'm not
12 looking for any. But I think these two items actually may provide
13 partly some of the answer for the old site issues. They both go towards
14 a risk-informed approach, and I think they're going to give part of the
15 answer to that difficult problem with some of the old sites.

16 As far as the clearance rule, the first slide there, it's
17 really an international issue, and the topic is control. How do I move
18 material out of a controlled situation into an uncontrolled situation
19 where further control is not needed. There's a lot of activities going
20 on internationally on this topic.

21 Currently, the thing that has been used in the past is Reg
22 Guide 1.86, and that is built into a number of license conditions. I
23 know the agreement states use that vehicle. And it only addresses
24 surface contamination.

25 On another front, we have in the past put together some in
the SDMP Action Plan some ad hoc criteria on volumetric contamination.

1 This also is one of the troubling areas. Unfortunately, we've had to
2 rely on a 1981 branch technical position, and what really is needed is a
3 dose-based analysis. That's the job that's ahead of us. We've got the
4 science. We need to move forward with that. I think a number of you
5 are familiar with the fact that we do have some numbers for uranium,
6 cobalt and cesium that we've been using in the past. But we need to
7 move forward into a regulation format, and that's what the clearance
8 rule is about.

9 Moving on to the next slide, the Commission actually asked
10 us to initiate this process back in 1994. And at the same time, we had
11 on our plate the decommissioning rule. So the actual rulemaking part of
12 this was deferred until we could complete the license termination rule.

13 While that was going on, both NRC and EPA did develop some
14 technical basis background for these activities. In February, the staff
15 forwarded to the Commission a paper presenting three options for the
16 clearance activities. And three of those options included continue to
17 use the existing guidance that we had which is flawed, is not strictly
18 dose-based; support EPA in the development of a clearance rulemaking.

19 At the time we went forward with this, EPA in fact was
20 talking about moving forward. Subsequently, they did slow down in that
21 process. And then the third alternative was to initiative an
22 independent rulemaking by the NRC staff. And I think, as everyone is
23 aware, in June the Commission came out and asked the staff to proceed
24 with a dose-based regulation to address this issue.

25 We had actually been planning on doing this in the year
2000, and it's been accelerated to begin as we speak in FY 1999. And we

1 also were asked to use the enhanced participatory rulemaking approach
2 that has worked with Part 35. So that's the approach that will be used,
3 and to focus on unrestricted use of background level.

4 As I said, this is an international approach. A number of
5 things that the Commission pointed to and that we're familiar with is
6 some of the work that's been done at IAEA. IAEA has a tech doc 855 that
7 points in the direction of something like a one millirem per year
8 threshold. There's a similar report from the European Commission, that
9 their Report 89. The contractor that's been working on this for the NRC
10 is SAIC, and we're currently looking at a report and commenting on it
11 that they have developed.

12 They looked at some 20-30 scenarios. The Commission asked
13 us to focus on realistic scenarios that addressed the types of things
14 that happened with metals and concrete. The Commission asked us to
15 develop a comprehensive rulemaking process for metals, concrete
16 equipment and including soil.

17 The Commission identified that it's possible to narrow the
18 scope of this process if delays would result. And I'm just pointing out
19 that including soil is going to be one of the more difficult processes
20 to address in this construct. Next slide.

21 As far as plans that the staff has, we will be forwarding a
22 paper in November. We have recently formed a steering group and working
23 group to address these issues similar to the Part 35 Working Group, and
24 Steve Collins is a member of the steering group, and Russ Myer from
25 Texas is part of the working group.

1 Also the Office of Research is part of these groups, NMSS,
2 state programs and OGC have representatives. We also are looking to
3 find ways to get input from the Environmental Protection Agency and
4 other agencies. And we have solicited input from the ISCRS Group.
5 That's the Interagency Steering Committee on Radiation Standards, and
6 Steve Collins put together a nice article in the CRCPD news brief
7 identifying some of the activities of that group. So I think that was
8 quite useful.

9 Currently, our plans are to put together a draft assessment
10 on metals and concrete, and we expect that to be available in January of
11 1999. Additional items that are going to require a fair amount of work
12 are individual dose assessment for soils. As I said, this is going to
13 be the one that is a bit tricky, and we're going to engage the industry
14 and see if we can get some support out of the industry to help carry
15 part of the load and the development of those efforts.

16 We also will have to look at the collective dose assessment
17 and cost benefit analysis associated with these activities. I would
18 point out that substantial progress has been made by EPA in developing
19 their technical basis to date. We've spent a lot of time talking to
20 them, and it turns out that the comparison between the work that SAIC
21 has done and EPA is only a couple of factors off, and this I find
22 heartening. It to me shows that as far as risk assessment, we're doing
23 things pretty much the same when you can track the assumptions included
24 in the process.
25

1 Unfortunately, the risk management topic is one that we have
2 had some difficulties with. So I just mention it's worked out quite
3 well to look at the EPA data on this front.

4 The next slide indicates we'll be putting out an issues
5 paper in February, and that will be used in the facilitated public
6 meetings that we can look forward to in the spring/summertime. And so
7 far, it looks like Atlanta, Chicago and Washington are sites that would
8 support such meetings.

9 I would encourage you to participate actively in that
10 process. We need wide support to come to a resolution of how we're
11 going to address these issues. And the November paper that I mentioned
12 earlier will propose a target schedule to address this.

13 The last slide which I'm not going to put up gives the names
14 of individuals that are involved in this in terms of points of contact,
15 and I'll mention one of them. Frank Cardile. Frank works for Trish
16 Holahan who's here with us today, and he's the first point of contact.
17 He's probably not going to thank me for mentioning his name and his
18 telephone number. But please do get in touch with him on that one.

19 Okay, I'm going to shift now into the standard review plan.
20 And to do this, I think this is a success for radiation protection. It
21 sort of goes back to the time in the late 1980's when it was clearly
22 recognized that we need a regulatory framework for the back end of all
23 these facilities.

24 A series of regulations were put into place, the first of
25 which was in 1988 that kicked this off. And this was the so-called
decommissioning rule. However, it pretty much addressed only financial

1 criteria and the fact that you have to go for unrestricted release. It
2 left a lot of questions unanswered. There was not a clear standard.

3 It turns a year after that, Congressman Sinar took EPA and
4 NRC to task and told them to get on with this job. And as you can see
5 on the chart, we did move forward in a step wise fashion. The next task
6 that was addressed was the recordkeeping requirements. These are in
7 place. They're very much needed. And licensees have had some real
8 troubling times keeping up with some of their equipment here in the
9 Northeast. I'm sure you're familiar with some of the reactor
10 circumstances where materials needed to be accounted for, and it's not a
11 very pleasant process.

12 The next piece of regulation that we put in place was the
13 so-called timeliness rule in 1994. This also is a key piece that has to
14 be invoked. It essentially gives people 24 months within a reasonable
15 period of time they need to be doing something or come in and explain to
16 us where they're going from here. The last piece was the license
17 termination rule which is the 25-millirem all pathways standard for
18 unrestricted release. And I would like to thank the OAS for the letter
19 that you sent in. It -- when you're on point, it's tough to work these
20 issues. And I very much appreciated the letter that Commissioner Diaz
21 mentioned this morning.

22 So at this point, all the regulatory structure is in place,
23 and next slide, the job ahead is trying to match the underpinnings in
24 terms of the guidance. Listed here is a whole set of guidance documents
25 that are probably familiar to many of you.

1 The first one is the so-called MARSM guidance document.
2 This is the one that addresses the planning and the implementation of
3 surveys. There's a number of courses going on around the country that I
4 know that your staff are involved in, and I need to make sure my staff
5 get through those, too. It's unfortunate that there aren't enough of
6 those to go around. But we do try and share slots in those courses.

7 EPA, by the way, extended a couple of slots to NRC staff
8 around the country near some of our regional offices. So I know there's
9 a big demand. Skip down to 1549 near the bottom. This is the decision
10 methodology document that describes the flow in terms of the
11 decommissioning process where you go from a simple evaluation to a
12 complex evaluation. It's a good study of how you handle decommissioning
13 issues, and Sandia National Labs helped us develop that.

14 The last one on the chart is the draft reg guide for 006,
15 and this is sort of the backbone of the standard review plan
16 development. It has four areas that I'm going to mention in detail that
17 we would address.

18 The Commission did come back to us in July and asked us to
19 march off and implement this process, to over a two-year period maintain
20 a dialogue with all of the affected stakeholders, and address the
21 comments during this period. So we're all developing the standard
22 review plan which is the standard vehicle that we use and you use in a
23 licensing process. And it needs to be risk informed, and it is what I
24 call an iterative approach as the 1549 document lays out as you go from
25 a simple to a complex site.

1 The Commission asked us to look at some of the potential
2 conservativisms in the so-called D&D Code. I can assure you there's a
3 healthy debate within the NRC staff on this issue. The office director,
4 Carl Paperello, gives us a lively engagement on this, and, you know,
5 I've talked to a number of you about it. This is one of the things that
6 we will be testing over this two-year period.

7 We're looking for test sites. We've identified a couple.
8 And the last item is that we need to address probable ballistic
9 approaches to calculate the dose equivalent to average members of the
10 critical group. This is also the very same issue that is being
11 discussed at high level waste at the Yucca Mountain site.

12 The draft guide that I mentioned earlier lays out four
13 different areas that we are looking at as work groups that are being
14 addressed as basically an outline with standard review plan, the first
15 of which is dose remodeling. This is the one we're putting the most
16 energy in. We've had a lot of interest from EPRI and DOE. NEI is
17 funding a fair amount of the EPRI activity to address some of the dose
18 modeling issues.

19 The other issues include ALARA analysis, license termination
20 for restricted conditions. We're going to get confronted with these
21 types of issues at some of the bigger sites like Sequoia Fuels and West
22 Valley.

23 And then the last one is final radiation surveys. As I
24 said, we're in pretty good shape with that with the MARSM type activity.
25 Next. The code that the staff had developed at Sandia is a dose model
code, and its intention was to have a simple, cost-effective tool that

1 could be used. It is basically a uniform source in it assumes that you
2 do reuse water. So it is very conservative.

3 It does only require a minimal amount of site specific
4 information. And this particular code is up on our website, and we are,
5 as I said earlier, engaged actively with discussions with EPRI and also
6 making comparisons with the RESRAD Code. I think some of you probably
7 use that particular code.

8 We had an extensive meeting last week on this particular
9 subject. Next slide. As part of this process, we're looking for ways
10 to engage stakeholders, and we've set up a whole series of formal
11 workshops that are on this particular chart. I understand Dave Prover
12 mailed out 350 copies of a text describing what we were going to do, and
13 it includes the dates listed on this particular chart, the first of
14 which is in December.

15 And we have established a website that is included on these
16 charts to provide an opportunity for NRC to get comments back on this
17 particular process. You'll find meeting notes on the website. We're
18 planning on putting up draft pieces of the standard review plan, and
19 we'd like to engage all parties and especially the agreement states in
20 terms of input to that particular process.

21 Some of the things that will be discussed in that first
22 workshop are the NRC test case that we're going to be looked at. The
23 licensees have identified a test case that they want to come in and talk
24 to us about. Resuspension factors have been a particular problem for
25 us. We also are looking for some help to refine the models for alpha
contamination. We've had problems with the alphas and also with close

1 to background issues for uranium and thorium in terms of detection. So
2 these will be some of the topics that would be involved in that first
3 meeting.

4 And this will be my last slide. This is basically a
5 schedule of the process. I'll take a page out of the Health Physics
6 Society approach. We'd like to add members to these working groups and
7 this process because I think a lot of the issues you're going to get
8 confronted with. So any of these working groups that I described, we
9 are looking for additional help in this process.

10 I talked about some of the tables that we're developing to
11 supplement or replace Reg Guide 106. We have developed a new set of
12 values for the beta gamma emitters, for surface contamination, and we're
13 comfortable with those. Those will be out shortly for use.

14 We are not as comfortable with the alphas. As I said, we
15 had trouble with that, and that's one of the topics we'll talk about in
16 the December meeting. We expect to put out draft standard review plan
17 modules by June of next year. We expect to run through a few test cases
18 for reactors and fuel fabrication facilities to get a trial run on some
19 of these techniques. And then, as a final product, we expect to
20 finalize the standard review plan in the year 2000.

21 The bottom line here is these are the products that we are
22 developing. I think they're products that the agreement states, others
23 can pick up and use. And I'd ask for your help in the development of
24 this product, and I'd urge you to use the website. It's a very good
25 tool. We're going to try and use conference calls in addition to the

1 meetings cited earlier in the slides. So with that summary, I'd be
2 happy to answer questions.

3 MR. CAMERON: Great. You just heard John present two
4 topics. One, the clearance rule, and I guess questions there obviously.
5 Any concerns or questions about the clearance rule? Any advice to the
6 NRC on how they put the process together for developing the clearance
7 rule? Any questions or concerns about the relationship between NRC and
8 EPA on the clearance rule? Edgar?

9 MR. BAILEY: First of all, John, I invite you to come west
10 to Mississippi again.

11 MR. GREEVES: I expected that. I enjoyed the last time I
12 was there with you.

13 MR. BAILEY: So I would encourage you to possibly look at
14 going west of the Mississippi with one of those meetings. And then my
15 question is are you factoring in FGR-13 when you're looking at these
16 proposed clearance rules?

17 MR. GREEVES: Yeah. Federal Guidance 13 which is, as far as
18 I know, still a draft. We have relied on 11 and 12, and I think I'd
19 probably prefer if Cindy Jones who is not here to address any reliance
20 of Federal Guidance 13.

21 I think, as you're familiar, we've commented on that
22 particular document, and I haven't seen the final outcome on it. So far
23 as I know, we're not relying on it at the present time.

24 MR. BAILEY: Correct me if I misunderstand. But I thought
25 if Federal Guidance Document 13 becomes final, then it is incumbent on
other federal agencies to use those generally applicable guidelines.

1 MR. CAMERON: Don, you want to clarify.

2 MR. COOL: Yeah, Don Cool. Let me try to clarify it a
3 little bit. There's two different types of things. There are federal
4 guidance for which EPA has the lead and which, after going through a
5 process, is signed by the president. It then in fact becomes
6 essentially incumbent upon the federal agencies to implement into its
7 process.

8 There is then a second series of things, the federal
9 guidance reports, FRG 13 being one of them, developed by EPA. And while
10 they have in general or to varying degrees -- you'll get some discussion
11 on that -- coordination, there is not the same incumbency within the
12 federal system for automatic adoption and incorporation. The reports
13 are more technical reports. They have probably greater weight than an
14 NRC new reg, but do not carry the same weight as a federal guidance
15 itself, there being only a couple of actual federal guidance documents
16 to public exposure. It goes all the back to 1959, the Occupational
17 Exposure which currently goes to 1987.

18 We are certainly aware of it. They've looked at it. The
19 technical basis that SAIC has been developing I don't think actually
20 tries to wrap in the federal guidance 13. For those of you who don't
21 know, that's a draft that's been developed that would take you straight
22 to a risk coefficient, the 10 to the minus something or other for
23 various organs. And at that point, we haven't attempted to take it
24 there. It's been taken to the point of dose. And rather than trying to
25 translate then to an organ-specific weighting factor.

MR. CAMERON: Okay. Thanks a lot, Don. Let's go to Alice.

1 MS. ROGERS: I was going to comment on you all should come
2 west of the Mississippi, too, but Ed beat me to it. But we would
3 welcome you west of the Mississippi and wish you would come.

4 It appears that you're using D&D as a screening tool for
5 whether folks should be out there doing anything or not to be in
6 compliance with time and decommissioning. That would be folks that are
7 already not doing anything radioactive any more.

8 But you don't have any training in using this tool. We
9 would really recommend that you get your training together and offer it
10 to the agreement states real soon. And second, --

11 MR. GREEVES: I agree with that comment.

12 MS. ROGERS: Thank you. I'm a little confused, and maybe
13 it's just because I'm not too good about this stuff. It looked like you
14 had a slide up there that said that you had been asked to look at one
15 millirem per year in soils. And I'm curious to understand how that
16 meshes with 25 millirem per year all pathways at a site for unrestricted
17 use in a bigger sense.

18 MR. GREEVES: What the slide intended -- where it was listed
19 as one millirem was an indication of where IAEA and the international
20 community has generally looked in terms of their technical document.
21 That is not a number that I'm not to be our number. We're still in the
22 process of evaluating where we need to go.

23 MS. ROGERS: Okay. That was my --

24 MR. GREEVES: Yeah. If you talk to the international
25 community, you will find recommendations in the range of one millirem
for the recycle type materials.

1 MS. ROGERS: Okay. I'd understood you to say that that was
2 indeed going to be your standard. So thanks for the clarification.

3 MR. GREEVES: Right. You gave me a chance to -- again, I'm
4 not saying it won't be. But I think there's still room for discussion
5 on that process.

6 MR. CAMERON: I want to also -- I'm going to give this back
7 to you. Is there also a question implied there, Alice, about what the
8 relationship is between the decommissioning standard and the clearance
9 standard?

10 MS. ROGERS: To some extent, yes. Chip, you had also asked
11 specifically what we think about NRC and EPA's little battle going on.
12 I don't really have an opinion about that.

13 But I do have an opinion that NRC needs to be consistent
14 within its own work. That one millirem versus 25 is going to look
15 really fishy when you look at 4 versus 25.

16 MR. GREEVES: Clearly, 25 is attached to a termination of a
17 site. And the question is what are you going to do with materials that
18 can go anywhere. That's the difference, and that's part of what's going
19 to be evaluated in these workshops as we go around the country. And
20 I'll enjoy hearing views on that as these workshops develop.

21 MR. CAMERON: Okay. I think Steve Collins has a comment,
22 and then we'll go to Aubrey, and then Ed.

23 MR. COLLINS: Steve Collins, this time from Illinois. As a
24 steering group representative, I made that same comment that I was --
25 did about the 25 millirem. And one of the things that you have in the
recycle thing is there's a much higher probability of members of the

1 public receiving exposures from more than one source. And that being
2 the logic for getting a fraction of 100, whether it be 25 or 15 or
3 whatever. But like I said, that is going to be considered.

4 But there's lots of different places where the recycled
5 material might go. And there's even thought of looking into maybe
6 different numbers other than one, higher numbers depending on where the
7 recycle would go. Like if it's recycled steel and you know it's going
8 to go into automobile engine blocks, you might be able to have a higher
9 number there.

10 Or if it's going into steel that will be used in bridges,
11 you could have a higher number there and for the concentration than you
12 could have in unknown reuse scenarios. And the steering group and Russ
13 Myer on the working group would love to have additional agreement state
14 input and your thoughts on these draft documents.

15 MS. ROGERS: My question was really specifically about soil
16 only. I understand the steel thing and all those other reuses and
17 recycling things. I was just talking about dirt.

18 MR. CAMERON: Talking dirt. All right. Aubrey.

19 MR. GODWIN: Audbrey Godwin, Arizona. You know, I hate to
20 say it, folks, but I left my crystal ball out, and I don't know how you
21 can predict too well in the future how something's going to be used.

22 You send to the car manufacturer for blocks, and he screws
23 up a whole bunch of them, and he recycles into silverware.

24 [Laughter.]

25 MR. GODWIN: You know. Maybe stainless steel spoons. I
mean, you really got a problem. That's one of the problems I think some

1 of us have about this patient release deal. You're going to depend upon
2 somebody saying that they're going to go home and not going to have any
3 visitors when they go home and have a party. I mean, you don't really
4 know.

5 So, yeah, I think we need a number where we're not going to
6 worry too much about it if it does get reconcentrated, if it is two
7 sources, and be consistent. And I don't know what that number is
8 offhand, and we'd probably have to get the wiji board out for that. But
9 crystal ball in the future for uses of materials and what people are
10 going to do is a real low percentage win idea, I think.

11 MR. CAMERON: Thank you, Aubrey.

12 MR. GREEVES: Can I just mention that effectively that's why
13 SAIC had to go through 20-30 particular scenarios to address this issue
14 because the further it moves through the chain, the lower the activity.
15 I think in most instances it's the guy that works at the yard where the
16 material comes in, and when the dust is kicked up, he's the one with the
17 highest dose in most of the cases.

18 But that's why they had to go through 20 or 30 scenarios to
19 look at this issue.

20 MR. CAMERON: All right. Ed, do you have a comment on that,
21 too?

22 MR. BAILEY: Well, except that I would suspect that the
23 highest dose occurs when it's reused for baby beds, but I don't know. I
24 would have to agree that this looking at one millirem for soil, I guess
25 you can recycle soil. Most of Texas used to be in Kansas.

[Laughter.]

1 MR. BAILEY: So it gets moved around a lot. But this whole
2 idea of having a different standard from two different federal agencies
3 is a real problem. And we're already seeing that where one federal
4 agency who has only one member here is saying we don't really give a big
5 rats if they cleaned it up to your standards. They've got to clean it
6 up to ours which may be significantly more clean up work.

7 So I think the Commissioner was probably right. Congress is
8 going to have to resolve this issue finally. But the staffs have got to
9 work together.

10 MR. GREEVES: Let me mention two things. When it comes to
11 the science, the staffs are working together. And I'm actually quite
12 pleased with how close we are on the numbers with these recycle issues.
13 They're within a factor or two or three in terms of the studies that
14 Sandy Cohen & Associates has performed and SAIC has performed. So I
15 think that's pretty darned close.

16 As far as the federal agencies, I think you recognize
17 there's not a lot I can do about that. I will comment on the soils. I
18 think this is going to be one of the comments we're going to get as we
19 go around the country. But recognize you all have sites. You release
20 sites. You know what's going on here.

21 It really isn't 25 millirem. That's the number. That's the
22 standard. How many of you really think you're releasing a site at 25
23 millirems? Pretty darned few. So I think most of them are a lot lower
24 than that.

25

1 So I don't think as a practical matter that is an issue.
2 It's an optic issue. And I think that's one of the things that we will
3 probably have to address in these workshops as we go around the country.

4 MR. CAMERON: Okay. Any last comments on this before the
5 agreement states go into their business meeting after a short break, I
6 would take it. Roland, are you going to have them right into it.

7 MR. FLETCHER: At the risk of having to run up and down the
8 halls finding a representative, I think we should probably take a break
9 now and start again like at ten of five, and maybe we can get most of it
10 done. Please don't go too far away.

11 And this is anyone who would like to sit in the audience and
12 listen to the meeting is free to do so. I mean, this is not a
13 restricted meeting.

14 MR. CAMERON: Okay. Thank you, Roland. And remember, 6:30,
15 reception, Terrace Room.

16 [Recess.]

17 MR. FLETCHER: Since we're getting something of a late
18 start, I want to go through this agenda as expeditiously as possible.
19 As you will note -- thank you. As you will note, I took the liberty of
20 putting down some subjects that I know that we've been talking about all
21 year. Of course, I guess it's no surprise that sometimes I do take
22 liberties.

23 And to try to speed up the agenda, rather than have a state
24 roll call, I think we know generally who's here. But I want to ensure
25 that only the states of Iowa and New Mexico are missing. Is there any
 other state that's not here?

1 [Laughter.]

2 MR. FLETCHER: That you are aware of. Okay. So the roll
3 call, therefore, is complete.

4 I would like to move forward. First of all, once again, you
5 know, the turnout here has been very gratifying. And I certainly
6 appreciate everyone being here. Everyone making such a great
7 contribution. And I'm hoping that that continues during this particular
8 session because there are a lot of subjects that I've just put down some
9 words, and I need some input from many of you, particularly if we're
10 going to develop any resolutions, position statements.

11 And I want you to begin thinking now. And I hope you've had
12 some conversations. But before we end, we need to nominate officers for
13 chair-elect and -- not secretary, yet. Just chair-elect. So we need to
14 nominate a chair-elect. I hope you've been thinking about someone to
15 put in those positions. So once again, I thank all of you. Once again,
16 I thank Diane for putting this together. So far, so good. We've been
17 really going well today. And we've been keeping close to time, too. So
18 thank you for that.

19 One of the things that I have tried to do and I need to get
20 some feedback on success. Most of us, I think, went full force into the
21 e-mail world this year with varying levels of success. I mean, I've
22 gotten e-mails that were squares and circles when they should have been
23 words, and I'm sure you got the same from me.

24 But one thing that I know has changed in many cases are
25 e-mail addresses. I myself went from one system to another, and I

1 couldn't even read my own mail from one address to the other. So that
2 could possibly have happened to you.

3 What I -- rather than have you put things down here, when
4 you get back to your locations, would you just send me an e-mail with
5 all of your particulars on it, you know, correct name, phone number, fax
6 number, all that. Just send me that e-mail.

7 I will, now that I have a little more time, compile that
8 into the most up-to-date, accurate system. And I would also like for
9 you to put down what system best works with your e-mail. My department
10 has directed that we would use Word 97, and I know some of you have
11 probably gone through the same thing.

12 But I know also that if I send out e-mail Word 97, I get
13 many calls say what was that you just sent me. So I need to know what
14 works on your computer, and I will try and I will pass on to Stan that
15 information so that we will try to make sure we communicate with one
16 another.

17 MR. KLINGER: That's probably something that should be
18 shared with NRC, too.

19 MR. FLETCHER: Okay, you --

20 MR. KLINGER: That's something that probably should be
21 shared with the NRC because there's a lot of stuff that we get, and I
22 don't know, maybe everybody else is reading it fine. But it's garbled,
23 a lot of it. Now we've gone to a new system, and it's working. But I
24 don't know if people are just ignoring the problem, or maybe they worked
25 it out at their own place. But we should be sharing that information
 with the NRC.

1 MR. FLETCHER: That's a good point, and I will be sharing it
2 with Rosetta and Kathy to make sure that they're aware of that
3 communication. Yes?

4 MR. GODWIN: The NRC when they do attachments, quite often
5 if they got more than one attachment to it, we just don't get the second
6 one. I don't know whether it's my end or their end, but I just don't
7 get them.

8 MR. FLETCHER: Are you noting these things, Kathy?

9 MR. KLINGER: That's a real good point. We used to have
10 that problem until we just went to the new NT System. Now we can get
11 multiple attachments. But NRC and other people need to be aware of that
12 because if you send a multiple attachment thinking everybody's getting
13 it, I suspect most people here can't get multiple attachments.

14 MR. FLETCHER: Well, we'll make sure when we present what we
15 discuss here to the NRC that that's one of the items that we emphasize
16 because I've had the same situation. I've gotten a beautiful message
17 talking about something that's attached. And when I try to translate
18 that which is attached, it's garbled. So --

19 MR. PADGETT: This is Aaron Padgett, North Carolina. Was I
20 next or --

21 MR. FLETCHER: Oh, I'm sorry. Go ahead.

22 MR. PADGETT: Feedback to the NRC. The thing that's
23 confusing to me is that the attachments on one, I'll open it, and it
24 opens beautifully. No problem. The next one, I can't open it. And you
25 know, I don't know whether it was sent in the same format or not sent in
the same format or what the situation is.

1 But it keeps moving, you know. One time, it works well.
2 The next time, it doesn't.

3 MR. FLETCHER: Terry?

4 MR. FRAZEE: Yeah, a lot of it is a formatting problem. And
5 as people continue to upgrade their systems to get to higher level
6 programs, a lot of times those formats just will not work on lower
7 versions, and that's the number one problem.

8 And when people do try to save it as a lower version,
9 occasionally that won't work well, particularly with tables. That's
10 really bad. Recently, most of you should have gotten an e-mail from me
11 within the next week about a particular SP notice that came out. And it
12 turns out that there were a couple problems with that.

13 The one that should have been a problem wasn't because NRC
14 really did not send two attachments. There was a second attachment that
15 wasn't sent. So number one, there weren't very many people that caught
16 that -- they said that there was a particular procedure, and then there
17 was also a list attached. Well, the list really was not attached.
18 However, had it been attached, it would have been a table in Word or
19 Corel at Word Perfect 8.0, I think. And when I did have NRC send me
20 that table, it's one thing to get garbled stuff. With my system -- and
21 this is my problem at my end of it, our e-mail system stripped off the
22 attachment. So I got absolutely nothing.

23 Now the problem that this could present to others where
24 either your e-mail system only recognizes one attachment, or if it
25 recognizes more than one attachment if it does the same thing and you
 aren't very diligent in checking to see what's coming in, NRC thinks

1 they've sent you the information, but you haven't received it. So
2 there's a lot of things you've got to watch with this.

3 And the bottom line is keep it simple. We're interested in
4 information. Send us stuff that's text, that's really the lowest
5 possible format. That's the best way to get it through to assure that
6 you will get something on your end. But if they start putting in
7 graphics or tables that have been created in a high version of any
8 program, and you've got something that's not going to read it, it
9 doesn't do you any good at all. It just ends up being a frustration.

10 And obviously from the response I've gotten, many people,
11 you know, haven't got time to sort through those sorts of problems.

12 MR. FLETCHER: Well, let me get these two, and then I'll let
13 you respond.

14 MR. BAILEY: Mine is a real quick one. NRC tends to use dot
15 and the person's initials. And if they would simply stop that habit, we
16 could -- most of us could directly open the attachments. Where as it is
17 now, we have to save the attachment as a different thing and go in and
18 open Word or whatever we want to do it.

19 So if you would just stop using people's initials after the
20 dot, it would really help us all.

21 MR. FLETCHER: Stu, and then I'm going to let Dick or Kathy
22 address.

23 MR. LEVIN: Well, what we discovered was in Pennsylvania,
24 not having Microsoft Exchange is hurting us. We have an antiquated
25 e-mail system, but we're supposed to get Microsoft Exchange hopefully by
the end of November.

1 One of our people was able to decode your NRC stuff using
2 Microsoft Exchange. But I would say this. I always have to wait for
3 the stuff to come on the website which sometimes is a little bit longer.

4 The last two you sent, 083 and 084, when I got to the
5 website, I got an error message that said you hadn't posted it yet. I
6 can read the headers on your e-mail, but the text is coded like
7 everybody else's. I would prefer and my personal opinion is just give
8 me a simple message saying you've got this document and get it on the
9 website faster because I can run that in PDF or whatever instead of
10 waiting three weeks before you post it.

11 MR. FLETCHER: Okay. Who would like to comment.

12 MR. BANGART: That was going to be exactly my comment that
13 all of the letters do end up at the OSP web page site. And if anybody
14 having trouble getting access to those letters and calling them up when
15 they go to that site. Now there is -- we don't manage that website
16 ourselves. We use Oak Ridge to do that. So there is a couple of day
17 delay. But it's supposed to be only a couple of days. If you're
18 experiencing longer delays than that in finding it at the website
19 location, tell us because we think that's the kind of time period it
20 takes to get it posted.

21 But is there anybody that can't go to the website and
22 successfully call up a document?

23 MR. PADGETT: I have trouble with that, also. And I've
24 worked with your people on it, and they didn't understand why. I'm not
25 sure now whether that has been solved or not, but I was having trouble
with that -- going to the website.

1 MR. BANGART: Okay, one example. Is Jim Myers aware of
2 that?

3 MR. PADGETT: Yes, yes. I've worked with Jim on that. And,
4 again, I think that one has been solved, and I no longer have the
5 problem. But I'd have to go back and check and make sure.

6 MR. BANGART: I'm sure that we'll commit to address the
7 problems as we know them today and do as much as we can on our end to
8 help solve some of them. But I think the best solution for most of you
9 at least is to go to the website if you're having difficulty on an
10 individual message. But I mean, given this technology, though, and the
11 different pieces of software and different versions, I think this is
12 going to be a continuing problem that we're going to have to continue
13 just to communicate on and try to keep -- address these and resolve them
14 one by one as we go along.

15 But I think the universal solution is to use the website
16 except maybe in a few cases that are relatively isolated.

17 MR. PADGETT: Dick, will you continue to notify us via
18 e-mail when you're putting something significant out on the website?

19 MR. BANGART: Yeah. I think right now -- I'll talk to Jim,
20 and we'll take the feedback that we receive on the extent of these
21 comments. And maybe the frequency and the difficulty of these comments
22 is such that it doesn't make sense to continue to try to use the
23 announcement server for all agreement states letters. And we may just
24 rely, as you indicate, on the website. I don't know. We'll have to --
25 we thought that the use of the server to transmit the all agreement

1 state letters was resulting in relatively few problems in terms of your
2 ability to call up the information.

3 I think what we've learned last night and today is that the
4 problem is more widespread than we had thought.

5 MR. PADGETT: It's still a preferred -- for me, it's the
6 preferred route. And again, now I use Office 97. And I'd say 75
7 percent of the time when I open the attachment, I open it with no
8 problem. Again, the next one, for some reason, I can't open. Even a
9 few when you try to save it as, it won't save it, this kind of thing. I
10 don't know what to do.

11 MR. BANGART: I think one of the problems is that we get
12 documents that we send to you that are generated from a number of
13 sources.

14 MR. PADGETT: Right.

15 MR. BANGART: It's not just our office that generates the
16 document. It's other offices. Sometimes it's an NRC contractor that's
17 worked on a new reg or something.

18 MR. PADGETT: But my suggestion is don't stop sending them
19 that way. You know,

20 MR. BANGART: If all else fails, call us and Kathleen will
21 fax it to you.

22 MR. FLETCHER: Well, that's what I was going to get back to
23 because what I'm hearing is (1) we do need to communicate what works, I
24 mean, what systems you have. I think it would also be helpful if we had
25 the information what systems you're normally transmitting up, you know.
Is it going out 97? Is it going out in WordPerfect 8.0?

1 So we need to have as a block of this compiled information
2 how you normally send the documents out. That may help at least in the
3 way we look at it. So we can make this one document which contains all
4 of the addresses, all of the e-mails, et cetera, and the systems that we
5 use. Maybe it will help solve this problem.

6 And you're right. It's a continuing thing as technology
7 goes forward. But we need to do something about it right now.

8 MR. WALTER: This is David Walter, Alabama. You already
9 have to make the PDF file for the website. So everyone has the ability
10 to get the free software to read adobe acrobat. If you were to make
11 that an attachment as a PDF attachment, we should all be able to read it
12 directly in the e-mail instead of having to have numerous different
13 types of versions of software to keep up with it. I think that would
14 probably be helpful for getting them every time as you and I prefer to
15 get them.

16 MR. PADGETT: I have it.

17 MR. WALTER: You know, I'd rather it come in e-mail to me
18 personally rather than have to look it up on the web all the time
19 myself.

20 MR. PADGETT: I agree.

21 MR. FLETCHER: Steve Collins.

22 MR. COLLINS: Steve Collins of Illinois. Based on questions
23 and conversations I had last night and based on feedback the NRC has
24 actually received from states, they're not sure that more than seven
25 states actually receive and read the mail. So you know, I'd kind of
like to know that a broader spectrum of people are actually receiving it

1 and able to read it and that sort of stuff because a lot of you
2 apparently may be receiving it, reading it, but never giving them any
3 feedback. So they don't really know for sure.

4 I mean, I specifically asked how many states have you gotten
5 feedback from. Normally, it's three states. But we have up to seven
6 that we actually hear from every now and then. So all of you may be
7 aware and reading it and just not responding. But I think we ought to
8 do some show of hands or something to let NRC know.

9 MR. FLETCHER: Okay.

10 MR. COLLINS: Some of the problems, mega formats, headers
11 and seals. Now when you're sending that text stuff or sending us to
12 stuff, you can clean up and eliminate headers and eliminate seals from
13 documents that you're sending out.

14 A little bit more description in the cover page or in the
15 announcement that comes, you know, the attention line or something on
16 there has to describe what's in there, what format it's in, like Roland
17 said, would help a lot. And auto formatting -- this has also caused
18 problems.

19 MR. FLETCHER: What I would say as a follow up to what Steve
20 has pointed out, I think that it is important that we do get feedback
21 when we're having these problems. If this is the first time we've made
22 mention of them, then it will be difficult for the problem to be solved.
23 So I encourage everyone that as you receive information you can't read,
24 you let someone know I couldn't read that. I can't do anything about it
25 if I can't read it.

1 I think it's more important to ensure that we all do it in
2 the future rather than how many did it in the past. So let's make sure
3 that we communicate whenever these problems occur.

4 Yes, let's do that. How many people are getting mail
5 without problems? Okay, how many are getting mail and having problems?
6 Okay, that's about the same number. How many are not getting any mail.

7 MS. SCHNEIDER: Kathy Schneider. Just a second. I saw a
8 couple hands I haven't heard from. I kind of help Jim as a backup.
9 Have Florida, Louisiana, have you been talking to Jim Myers about the
10 problems you were having? And anybody else? Okay.

11 MR. WASCOM: I talked to Jim -- extension instead of doc doc
12 or doc.wp for WordPerfect --

13 MS. SCHNEIDER: Okay, I've written it down. We will be
14 pursuing that, okay.

15 MR. WASCOM: I've been receiving them this past week.

16 MS. SCHNEIDER: Congratulations on your new job again.

17 MR. WASCOM: It had already been cleaned up.

18 MS. SCHNEIDER: Okay. Like I said, I know some of them are
19 people I've talked to. But those of you I saw hands go up, please call
20 and let us know, too, what your problems are so we can address them.

21 MR. FLETCHER: Okay, any more on that particular item? Then
22 let's move on IMPEP participation. Kathy gave us a presentation on the
23 schedule, and indicated that two to three additional people would be
24 helpful. So if you've got individuals to nominate, please do so at this
25 time. Richard?

1 MR. RATLIFF: Kathy, I think we have nine IMPEP people now.
2 And I think at first when we started, it was 14.

3 MS. SCHNEIDER: Due to -- I do best when planning these with
4 about 11 or 12 because of changes in schedules, sicknesses and last
5 minute changes, and also making sure that your team members have enough
6 time from when they're attending IMPEPs to when your state is being
7 IMPEP'd.

8 So 14, you cannot have very much work. About 11-12 works
9 really well as a cadre to pull on.

10 MR. RATLIFF: So how many do we need to --

11 MS. SCHNEIDER: We have nine right now.

12 MR. FLETCHER: So two to three.

13 MS. SCHNEIDER: Two to three would do it. And I've lost
14 some people like Martha who's retired, and Don Bunn is stepping down.
15 And with the people I have there, would I would like a little bit more
16 depth is licensing, and it could be licensing and inspection. But if
17 you have an inspector, somebody, we'll take him.

18 MR. RATLIFF: And you know, what we decided two years ago
19 was that the past chair would be NRC's contact to set up MRB meetings.
20 And this year, Bob Quill and I are supposed to go off the MRB. So we
21 need at least two new MRB reviewers.

22 MR. FLETCHER: Well, I have three names here for the MRB.
23 But IMPEP, I haven't gotten any.

24 MR. LEVIN: Kathy, just a question. What kind of time
25 commitment does this state IMPEP person need to have?

1 MS. SCHNEIDER: It's about -- for team members, it's about
2 three and a half weeks. For prep time, on sci time, completion of the
3 report, and then the tenets at the MRB.

4 MR. LEVIN: Is this like three and a half weeks once a year?
5 Is that what --

6 MS. SCHNEIDER: Per IMPEP review.

7 MR. LEVIN: And how many reviews would they do?

8 MS. SCHNEIDER: Most would have a state person and one of
9 our real, you know, it's been about two a year. I think Jim MacLeish
10 may have done two per year. But that's worse.

11 MR. LEVIN: So you're talking seven weeks per year?

12 MS. SCHNEIDER: Yeah. Normally, I try and have it one state
13 only having one per year. That's about what they tolerate as far as
14 their management letting them out. But we have had one or two states
15 who have helped us when somebody has had a crisis come up and helped us.

16 MR. LEVIN: So you try for three and a half, but it could be
17 seven in an emergency?

18 MS. SCHNEIDER: It could be seven. But most of the time, we
19 try and juggle the schedule so we're not putting that kind of impact on
20 to your staff.

21 MR. FLETCHER: Jim?

22 MR. MACLEISH: I was going to say I only did one per year,
23 and three weeks -- three personal weeks is a good estimate. And you
24 really get a tremendous amount. You learn a tremendous amount from
25 being the state member on the team. The state member on the team really

1 receives more in learning and experience than he gives in the three
2 weeks. So I'd encourage anybody that could find the time to do this.

3 MR. FLETCHER: Yeah, Aaron.

4 MR. PADGETT: North Carolina will provide someone.

5 MR. FLETCHER: Okay.

6 MR. PADGETT: I'd rather not give you the name right now.
7 But we will provide.

8 MR. FLETCHER: Well, since I'm going to be the coordinator,
9 I'd appreciate it.

10 MR. PADGETT: Okay.

11 MR. FLETCHER: Pierce?

12 MR. O'KELLY: I had told Kathy earlier that we will try to
13 provide someone probably the first of next week.

14 MR. FLETCHER: Okay. That's two. We could use one more for
15 good measure.

16 MR. BAILEY: We'll give you one to replace Don Bunn.

17 MS. SCHNEIDER: Thank you very much.

18 MR. FLETCHER: Next on the agenda is the MRB participation.
19 Today and over the past week or so, I have had three people who have
20 indicated that they would like to participate, and if they have no
21 qualms, I'll mention their names.

22 Pierce O'Kelly has indicated he would like to participate.
23 Diane Tefft and David Snellings. Now are there any - yes?

24 MS. TEFFT: That must be -- I must have mentioned that last
25 year. But I --

MR. FLETCHER: Oh, you're going to have to use the mike.

1 MS. TEFFT: I mentioned that last year. But at this time, I
2 don't think I would do it, Roland. Maybe in the future year or so.

3 MR. FLETCHER: Okay. Anyone else? The -- go ahead.

4 MR. BAILEY: How many do you need?

5 MR. FLETCHER: Well, right now we have five. And I don't
6 think we've ever had a specific number because it's availability that
7 really controls the MRB. You know, someone who's available to be
8 present is preferred when the MRB is held.

9 So usually if you have a pool of seven or eight, you're
10 better off. And that's the target I would like to have. We have five
11 right now.

12 MS. SCHNEIDER: I also want to say we're really working
13 forward to encourage video conferencing whenever we can so that there's
14 less impact on you. And we're doing better. We've had a couple ones
15 that worked real well. Marie's shaking her head. We did a nice one,
16 too. She came in, but we had region people come in. So we are working
17 on doing that also.

18 MR. FLETCHER: Okay, we'll go with --

19 MR. BAILEY: What is your policy on those of us who've
20 rotated off of doing it?

21 MR. FLETCHER: I don't have a policy.

22 MR. BAILEY: I'd be happy to do it if you're going to put
23 people who've rotated off and had a gap or whatever. It's a fun thing
24 to do.

25 MR. FLETCHER: Well, I think the only reason that people
were rotating on and off was to give other people experience, but not

1 for any other reason. I think we had a -- Richard, you can correct me.
2 I think we had kind of an unwritten rule about the length of time, but
3 that was more for experience, right.

4 MR. RATLIFF: Right. We were going to go for two years
5 each. And then we decided that we had new people coming in. And so we
6 rotated some folks off early.

7
8 MR. PARIS: As one who is rotating off, I would encourage anybody who's
9 not done it. As one who is rotating off, I would encourage anybody
10 who's not done it to participate. It's a good learning experience,
11 particularly if you have an IMPEP coming up.

12 MR. FLETCHER: Okay. Aubrey has also nodded and said he
13 would be willing to do it. So we will put those rotating off in kind of
14 a reserve alternate kind of position so that everyone can get some
15 experience.

16 Steve mentioned earlier about the OAS, IMPEP of the NRC/SS&D
17 Program. I don't know if you have any more to add on there or not.
18 Were there any additional questions on that? Do we have a time frame
19 data?

20 MR. COLLINS: No. The time frame, as I said earlier, we're
21 going to try to -- the team leader's going to try to get an actual
22 onsite visit evaluation part of it done sometime between the second week
23 of January and the end of March. And then that sets the rest of the
24 schedule automatically. I think 74 days after that, they need to have
25 the MRB meeting, and 104 days after, to have the final report.

MR. FLETCHER: All right. Questions? Richard?

1 MR. RATLIFF: I wonder, Steve. You talked about the MRB
2 part of it, though. I'm wondering if the MRB could be those of us who
3 have rotated off or MRB for other states and then have one NRC person.

4 MR. COLLINS: I haven't really received much guidance from
5 NRC with the MRB. I think maybe they were shocked when they heard the
6 idea that I might actually reconstitute the whole thing.

7 Of course, I didn't volunteer to rewrite the whole document
8 if I have to do that. Right now, if I had to make the choice, I'm
9 leaning towards the idea of leaving the MRB as it is with the exception
10 of Carl not being a member and a state person being a full member at
11 that particular one.

12 But if the states here wanted to go through the process of
13 totally reconstituting the MRB just for the SS&D, we would look for
14 volunteers from the states to be on that MRB and to rewrite the
15 procedure, Gordon.

16 MR. FLETCHER: I feel everyone who feels they want to do
17 that should report to Steve. The next is an issue that did come up this
18 year. It's one that I don't think from my perspective there's very much
19 that can be debated about it.

20 My understanding that OAS membership are those states that
21 are agreement states, period. When I became a member of this
22 organization, I didn't fill out any forms. I haven't paid any dues
23 which you may want to look at. But I'm a member, and as long as we're
24 agreement states, I believe that that's the criteria.

25

1 But it has come up, and it may come up again. And that's
2 the only reason it's on the agenda. Any questions, comments on that?
3 Good.

4 Now we're going to talk about this probably a little more
5 tomorrow. But I thought we need to at least touch upon the hosting of
6 these meetings as we -- this is the second one we as agreement states
7 have laid out and done ourselves.

8 And as we continue to do this, I think we need to perhaps
9 lay out some keys or some guidance to step to states that may want to do
10 this in the future because there are a lot of loose ends that you learn
11 as you go along. And I know Diane has done a lot of things that none of
12 us may have thought about. And it would be good if she and Ed and, you
13 know, we could just make sure that we get some of these things down for
14 future posting of these meetings.

15 And I would also recommend that if you feel you may want to
16 host next year's meeting, please present some kind of -- even if it's an
17 e-mail proposal, make some kind of a proposal to the executive committee
18 so that we can act on that. We need to have -- you know, we all have
19 jobs, as all of us sitting in this room. So we need to have something
20 that we can really respond to.

21 I encourage all of you to think about whether or not you are
22 in a position to host one of these meetings. I think the education and
23 experience that your staff gets in something like this is tremendous.
24 And I would encourage those of you who feel you can to come forward. You
25 can even do it now if you want.

1 No cards on the edge? This is a very quiet business
2 meeting.

3 MR. RATLIFF: Roland?

4 MR. FLETCHER: Yes.

5 MR. RATLIFF: We figured that Austin, Texas in October is
6 really nice. It's not hot or humid. So we'll make a nomination.

7 MR. FLETCHER: All right. Austin in October. It sounds
8 good to me.

9 MR. BAILEY: Make sure it's the same weekend as a home game.

10 [Laughter.]

11 MR. FLETCHER: All right, we'll go forward with that.

12 MR. GODWIN: Roland?

13 MR. FLETCHER: Yes.

14 MR. GODWIN: Should we start thinking about doing it for two
15 years in advance or having one sort of in reserve for the next year?

16 MR. FLETCHER: I thought about it. And my only reluctance
17 is I would like, you know, Stan's not here, and I don't know -- perhaps
18 he should make that decision. But if there is a state that is thinking
19 about doing it in two years, I can give him that recommendation. Diane?

20 MS. TEFFT: Yeah, just to comment. I know myself, I'm
21 planning this meeting that one year is really short notice for the
22 hotels. And even the conference has gone to four years or something.

23 MR. FLETCHER: Four years.

24 MS. TEFFT: So that might be something you need to consider,
25 at least for early planning for the hotel or at least book the dates.

1 MR. FLETCHER: Is there someone who feels that it's possible
2 that they would be able to do it in two years or at least like to have
3 their name considered for two years? I can pass that information along?

4 [No response.]

5 MR. FLETCHER: Okay, well, we will be communicating by
6 e-mail once the Executive Committee has had an opportunity to meet.
7 You're making this agenda easy. Maybe I shouldn't say anything.

8 Actually, by taking care of -- we've taken care of both
9 hosting the agreement states meeting and the next meeting. So I'm now
10 opening up for any discussion topics, resolution or position papers that
11 we need to talk about here.

12 I would also like us to at least discuss the issues and the
13 proposals made by Mr. Dinger when he made his HPS presentation because
14 based upon his statistics, we are about just slightly over 50 percent
15 involved in HPS, and maybe there's some things we need to consider as
16 far as other extensions of our participation, our liaison role, et
17 cetera. Comments? Aubrey?

18 MR. GODWIN: Mr. Chairman, I move we establish a liaison
19 relationship with the National Health Physics Society.

20 MR. FLETCHER: Start again. I didn't hear you.

21 MR. GODWIN: I move.

22 MR. FLETCHER: Thank you. Okay. I heard the last part.
23 There's a motion on the floor that we establish a liason relationship
24 with the Health Physics Society. Is there a second?

25 CHORUS: I second.

1 MR. FLETCHER: It's been moved and second that we establish
2 a liaison relationship with the HPS. Is there any discussion?

3 [No response.]

4 MR. FLETCHER: All in favor, raise your hands. Opposed?
5 The motion carries. Now what we just have to decide how we make the
6 selections. Do we have a volunteer to be our first liaison
7 representative? Maybe you didn't hear me.

8 MS. MCBURNEY: One recommendation I make, when the Health
9 Physics Society established this liaison luncheon and with a lot of the
10 organizations that it wants to have a working relationship with, they
11 invited the current president or chair persons of those societies.

12 If you would like to, you might want to just have at least
13 for the first year have the president or the chair person of OAS
14 represent the OAS, and then maybe as time goes on, establish a more
15 permanent type liaison or rotating type liaison.

16 MR. BAILEY: Ruth, do we know if Stan is a member?

17 MS. MCBURNEY: No, we don't.

18 MR. FLETCHER: I don't think you have to be a member to be a
19 liaison.

20 MR. BAILEY: Well, no, you don't. But I think it would be
21 important.

22 MS. MCBURNEY: Well, I could send him an application form.

23 MR. FLETCHER: I will ensure that that information gets back
24 to Stan. If there is, you know, if there's a reason he can't do it,
25 then maybe we'll ask for other volunteers. Steve?

1 MR. COLLINS: I attended the luncheon at last year's meeting
2 just a couple of months ago. And some of the things they were talking
3 about cooperative efforts with all these organizations on training. He
4 made a big pitch about the people really doing health physics now aren't
5 necessarily health physicists when they start.

6 So there's a lot of organizations that have bits and pieces
7 of training for these people. And they're basically writing up this
8 training and getting it available to put on websites and make it
9 interactive and all that sort of stuff. And they're wanting cooperative
10 efforts from all the various organizations that could use that and need
11 it and could provide input to certain parts to divvy up the workload so
12 that a good comprehensive package gets done quickly.

13 That's one of the things that they're doing that could be
14 helpful to your staff members, new staff members in particular. The
15 other thing they're talking about doing which wouldn't, I don't think,
16 affect this group, but they proposed it with CRCPD and A&S and some of
17 the others is trying to go away from every one of these groups having
18 its own individual annual meeting. I mean, HPS can no longer basically
19 afford to have two great big meetings each year, and they're thinking of
20 cutting down to one.

21 And what they're looking at doing, even though it would
22 narrow down the sites that could host it would be to have one great big
23 radiation protection business. If you're in that business, one great
24 big meeting each year at some location where the A&S and CRCPD and HPS
25 and there were two or three other organizations would meet in this one
great big city. A lot of the sessions would be open to everybody. But

1 then there would be a day set aside or a day and a half so that groups
2 like the CRCPD could have their own private sessions to take care of
3 their own business.

4 But the rest of it would be open sessions for everybody. So
5 that's at least three or four years down the road. They knew that
6 Anchorage, Alaska couldn't hold it all. So it was going to be after
7 that for sure because we weren't willing to change until after that.

8 So that's what last year's meeting was about. Those are the
9 kinds of issues and topics they're talking about, some of them
10 cooperative and informative, some of them other things, money saving and
11 efficiency wise. So maybe that will encourage one of you to want to be
12 there next year.

13 MR. FLETCHER: Thank you, Steve. Ed?

14 MR. BAILEY: Are we taking topics? Is that what we're
15 doing?

16 MR. FLETCHER: Right now, we were discussing the liaison.
17 Was your comment about that?

18 MR. BAILEY: When you get to topics, I want to comment.

19 MR. FLETCHER: Okay. Anyone else on the liaison? Pierce?

20 MR. O'KELLY: I think the issue that Ruth brought up of the
21 chairmn going the first year is probably not a bad idea. But I do think
22 you might want to consider a longer term for someone to serve so that
23 they can get in and get to know the people, get to know the routines of
24 the meetings. And I think add some continuity to it over the long haul.
25 It would be more productive if you had somebody at least in a two or
three-year term as a liaison.

1 MS. MCBURNEY: I forgot what I was going to say. The
2 liaison -- just to add to that, you probably do want to have some kind
3 of continuity. And also -- oh, the other point I was going to make is
4 that we are trying to get the government section of the Health Physics
5 Society really gearing back up again.

6 And I think that we always state that the CRCPD meeting is
7 the only meeting where you can get all the federal and state agencies
8 talking together. And this might be another avenue that you could get,
9 but all the health physicists in the federal agencies with state input
10 talking together as well.

11 MR. FLETCHER: One suggestion, and Richard and I may want to
12 take this back. A three-year commitment could be met if the chair-elect
13 is made that liaison because the chair-elect would remain on the
14 Executive Committee through the chair-elect year, the chair year, and
15 the past chair year. So you would have your three-year continuity if we
16 did it that way. Of course, I probably eliminated some candidates for
17 the chair-elect.

18 But there is another committee that the CRCPD -- I'm the
19 representative, CRCPD representative. That's the N-13, the Radiation
20 Protection Committee which last year seemed to be going away, and this
21 year we just had a meeting. Don Cool was also there. And now they seem
22 to be getting stronger.

23 And one of the things that became very obvious is when they
24 have standards that are very likely to become regulations, they very
25 much appreciate the input from CRCPD, from NRC, perhaps even DOE. But
missing from that puzzle is anything from the agreement states.

1 So I wanted to come back and at least have you think about
2 that as another committee that perhaps we should be present on because
3 if the CRCPD representative is not from an agreement state, then
4 agreement state considerations won't be made at those meetings.

5 MR. COOL: Well, perhaps I can try to amplify for you just a
6 little bit. This in part came up because the NRC is pushing some new
7 government wide requirements associated with trying to adopt or utilize
8 industry codes and standards. And so the Commission itself, some of you
9 may have been present in the meeting we had up in Chicago. The agency
10 is moving in a direction of trying to reinforce its involvement and
11 looking to take standards like the N-13 standards, the IEEE standards, a
12 number of the reactor standards and drop them much more completely and
13 quickly within the NRC regulatory structure. It might be regulation; it
14 might be some of the guidance documents or otherwise.

15 And that immediately tripped a thought. I think it happened
16 with Roland and I a few micro seconds apart when we were sitting there
17 in the meeting that previously the states have not been involved in --
18 at least the agreement states have not been involved in any formal way
19 in the process of looking at these consensus standards that are coming
20 out.

21 And maybe our fault; maybe there's some additional
22 mechanisms. While NRC gets it and vets it fairly well within the
23 Commission itself, our process has not previously been to attempt to try
24 and get vote sheets or drafts out to the program directors. We usually
25 only have about 30, maybe 60-day clock on some of those issues, and that
hasn't happened, and there might be some other mechanisms.

1 But it seemed to us that it might be a very good opportunity
2 for the agreements states to have an additional voice separate from and
3 in addition to the voice that CRCPD has to strengthen your ability to
4 input on the consensus standards because those are much more likely to
5 show up somewhere in NRC's regulatory regime as we go down the road.

6 MR. FLETCHER: Thanks.

7 MR. COOL: Okay, I have a little assignment. What's
8 involved in this process. The person who would be an N-13
9 representative would see documents in a couple of stages. As presently
10 envisioned, early drafts or an early draft of the document at the time
11 it's being developed by the HPSSC, the Health Physics Standards
12 Committee working group, and that gets circulated to the Health Physics
13 Standards Committee. It's also circulated to the members of N-13 for an
14 early reaction as to whether it's headed in the right direction, whether
15 there's any show stoppers or particularly difficult issues.

16 After it's actually been approved by the working group and
17 comes up through the process, then the N-13 members actually ballot
18 approval for the document. And when N-13 approves it, as with any of
19 the NC committees, it then goes and is formally published. And the
20 route now is -- you've seen them. They actually come out bound in the
21 middle of the HPS newsletters. That's how the N-13 standards are now
22 being printed and distributed.

23 N-13 as a whole committee meets once per year. Venue has
24 traditionally been a hotel near Washington-Dulles Airport, and also
25 happens in the October time frame. In fact, part of what we do or have
previously tried to juggle such that the N-13 meeting and the OAS

1 meeting were not on the same Friday. And we've had to juggle those back
2 and forth a little bit.

3 So that's the time frame commitment. You will see eight,
4 nine, ten more or less documents that float through each year for one of
5 these ballots in one form or another. The number of documents has come
6 up because we've tried to interject ourselves a little bit earlier in
7 the process to be able to give a you've got a real show stopper here;
8 we'd never be able to go this direction kind of approach just to give
9 you an idea of the work load.

10 MR. FLETCHER: Thanks. Any other comments on that? If not,
11 Ed, you want to bring up some additional topics?

12 MR. BAILEY: Yeah. I just want to alert everybody to what
13 appears to be a new practice by the Veterans Administration. We've
14 recently had the Veterans Administration go out to a county hospital and
15 contract with that county hospital to do the nuclear medicine services
16 for the hospital -- not VA patients, the county hospital patients.

17
18 They applied for and were granted an amendment to their NRC
19 license to conduct those activities at the county hospital. It's
20 disturbing to us, and we have been discussing with NRC and have at this
21 point filed an allegation that they're doing it and shouldn't be doing
22 it.

23 It raises so many questions. One of the things that comes
24 up and is in this decommission sites, essentially when VA pulls out or
25 terminates their contract, we will be responsible for anything they've
left behind. But we think it's not proper. We've asked NRC to relook

1 at the situation and in essence to say we've made a mistake. We've
2 erred in issuing this licensing amendment.

3 We have asked NRC in our conversations with them following
4 the allegation if this means that one of our licensees can contract with
5 the VA, and the VA can terminate their NRC license, and we can simply
6 amend the license. We've got two prime candidates in Stanford and the
7 VA hospital located next to Stanford which actually have the same RSO.

8 And we also have UCLA who could do the VA Wadsworth which is
9 just across the street from UCLA. That would make Carol Marcus at NRC
10 license, I mean -- but anyway, I think you all ought to be aware of it.
11 I don't think it's a practice that we feel is proper.

12 The VA will not have command of the staff at the hospitals,
13 and we use our own technicians to come in and do it. If a patient
14 happens to be hospitalized, that patient will be left in the hospital
15 with the hospital responsible for taking care of them, not the VA.

16 In their application, they mention two radioactive
17 materials, Cobalt 57 and Cesium 137. Specifically, they do intend to
18 use Galium. They have used Galium. So there's just so many issues
19 concerned with this.

20 And according to VA, they are intending to pursue this and
21 other locations as an additional source of revenue for the VA. So you
22 all want to look around. I think perhaps being as small geographically
23 as New Hampshire is, the VA hospital could service all the nuclear
24 medicine facilities there.

25 MR. FLETCHER: Aaron?

1 MR. PADGETT: I would like to ask Ed a question. Aaron
2 Padgett, North Carolina. Have you informed the hospital that they have
3 contracted with that they are illegally using radioactive materials in
4 the State of California, and that you hold the hospital responsible, and
5 you will be going after administration on that?

6 MR. BAILEY: Well, in essence, what has happened, though, is
7 that by issuing the license, the NRC has said this is an area of federal
8 jurisdiction within the state of California.

9 MR. PADGETT: Well, again --

10 MR. BAILEY: But to answer your question directly, we have
11 approached the hospital. Their initial response was, okay, we'll go
12 ahead and get a license. After talking with VA again, they've now come
13 back and said, no, we don't think we're going to license.

14 MR. PADGETT: Okay. Then you need to get your lawyers
15 involved to see how far they'll go and going after the administration
16 for unlawfully using the radioactive materials.

17 You've got two approaches. You can talk with the NRC and
18 say, hey, look, you've crossed over into the jurisdiction. You
19 shouldn't be here. I'm astounded that they would do that.

20 And then the other thing is the people who are having the
21 use on their facility approach it from the point of view that you do not
22 have a license for this material to be here. We're coming after you.

23 MR. BAILEY: But the users of the material do have a
24 license. They have been authorized by a regulatory agency to do it.
25 Now there's no question in our minds that if the VA wanted to rent a
room in that hospital and treat VA patients, they could that.

1 And the lawyers aren't looking at it. The other thing
2 that's rather astounding to us is that the NRC, in approving this, did
3 not determine that the doctors were even licensed to practice medicine
4 in California. They didn't even ask that question. They lucked out
5 because the nuclear medicine tech who's employed by VA just happens to
6 hold a nuclear medicine from the State of California. It could have
7 been that the person didn't.

8 So there are lots of questions about how you can essentially
9 do away with the agreement that we have where they gave up
10 responsibility and yet allow a federal agency to go out and do this work
11 for a county hospital.

12 MR. FLETCHER: Okay, Jake, Stu, then Aubrey.

13 MR. JACOBI: In my opinion, this is just another example of
14 a broader issue, and that is the issue of where the line is between the
15 NRC and agreement states. At universities, there are situations where
16 federal employees work with licensed material in state rooms, and state
17 employees work in federal rooms and every mixture in between. And we
18 have a university that's been trying to find out for a year to find out
19 who's supposed to regulate certain things because it's really not clear
20 who's the user, and they're even sometimes combining private facilities.

21 And so there is another issue. Another one that we found
22 out is that every since NRC came up with its dictate on exclusive
23 federal jurisdiction, when our licensees have tried to determine if a
24 facility was exclusive federal jurisdiction, they have never got an
25 answer in the time frame they needed to do the job. So you might as
well just throw that out as make believe.

1 Subsequently, I think NRC will combine -- I've seen some
2 fines where the people that worked in the federal jurisdiction. But if
3 you have a requirement and you can't reasonably get an answer in a short
4 period of time, I think there might be a problem with your requirements.
5 So I guess my recommendation is that we really go back and look at
6 what's NRC, what's state. And I know there's a move across this country
7 now saying unless it's really important that it's needed for a federal
8 cause that the states have primacy.

9 And I think that's the message that we should be taking back
10 to the NRC. When in doubt, it's the NRC.

11 MR. FLETCHER: Stu?

12 MR. LEVIN: Of course, some alarm because we do license in
13 NARM, and you're talking about somebody with an NRC license using NARM
14 radiopharmaceuticals. It doesn't matter if you're an agreement state or
15 not. We have the laws for licensing the NARM.

16 I've got the same problem, and I wouldn't -- we're going to
17 be on the look out to see if any of our VA hospitals are going to do
18 this. I think we could stop them at least from using the NARM
19 radiopharmaceuticals off their property.

20 They may be a federal agency, but the NRC can't license them
21 to use NARM. I don't believe.

22 MR. FLETCHER: Aubrey?

23 MR. GODWIN: As I understand the arrangements, Ed, the
24 hospital is a contractor in effect to the federal agency, and it's
25 contractor employees do --

 MR. FLETCHER: No, the federal agency is the contractor.

1 MR. BAILEY: The federal agency has contracted with --

2 MR. GODWIN: They're the contractee, I guess, to the federal
3 agency. And if you look at exclusive federal jurisdiction or federal
4 jurisdiction, if it's contractor employees in non-exclusive federal
5 jurisdiction, even if it's one federal land, we regulate.

6 If they're contract employees -- if they're federal
7 employees, we do not regulate them.

8 MR. BAILEY: They are federal employees.

9 MR. GODWIN: All of them are federal employees.

10 MR. BAILEY: They're all federal employees. They're all VA
11 salaried people. VA is receiving the money from the hospital for
12 providing the services to that hospital.

13 MR. GODWIN: But when those employees leave, who is
14 possessing the material? It's the hospital.

15 MR. BAILEY: No. Well,

16 MR. GODWIN: You've got a radioactive patient now. They're
17 in therapy.

18 MR. BAILEY: Well, they danced around that in their
19 application by saying they would not administer any doses that required
20 hospitalization under 35. Whatever it is. But the problem with that is
21 that quite often people who are already hospitalized go down for nuclear
22 medicine tests. And yes, there will be radioactive patients in that
23 county hospital, particularly galium patients, AIDS patients who are
24 getting galium scans on a fairly regular schedule.

25 MR. GODWIN: I would think your medical society would do you
more good than anything.

1 MR. FLETCHER: Are we in a position or is there sufficient
2 concern here that we develop a position paper or a resolution on this?

3 MR. PADGETT: I'd say this could be a pretty big issues if
4 it starts spreading other issues.

5 MR. FLETCHER: Ed, would you be willing to spear head the
6 development of a position paper for OAS on this?

7 MR. BAILEY: Sure.

8 MR. FLETCHER: Could we get two or three people to work on
9 it with him? Aaron?

10 MR. PADGETT: I would love to say yes, but I have some
11 things going on that I don't think will allow me to do that.

12 MR. FLETCHER: Okay. See if you can get a couple people to
13 work with you on this, and let me know. Other topics. Everything is
14 going well, huh? We're not going to have to have a meeting on Saturday.
15 Diane?

16 MS. TEFFT: Yeah, I don't have anything written down, but
17 Richard does. But the Commissioner invited out input on some topics,
18 and I -- it sounded like he said that we should be involved in some of
19 the things. And I was just going to take this opportunity to say that
20 maybe this is the place that we should organize something to follow up
21 on some of the topics he talked about. But I guess it was more general.

22 MR. FLETCHER: Yeah, he said he would be at the reception.
23 And Steve?

24 MR. COLLINS: On a different topic, I think all of you are
25 aware the Commissioner made reference to a position paper. Roland made
reference to a position paper presented to the Commission which was the

1 OAS position paper on clean up standards. And I would like to know have
2 all of you received a copy of that three-page document? Is there anyone
3 here who has not received it?

4 MR. FLETCHER: This was back in March.

5 MR. COLLINS: This was presented to the Commission at the
6 OASSP briefing of the Commission in March. And basically, I drafted
7 most of it. And if you don't have a copy of that, if several of you
8 don't, maybe we can ask NRC to distribute it as a part of an SP notice
9 or something. I've got about seven versions on my computer, and I don't
10 remember which ones the last.

11 MR. FLETCHER: Well, I have the last. I have a copy of the
12 last. Terry?

13 MR. FRAZEE: Way back -- well, not too far back, there was
14 the revision to what was the old B-7, the compatibility designation for
15 individual regulations came out, and I kept putting it off because it
16 was such a massive document. And finally vacation came, and I blew it
17 entirely.

18 But when I did come back, I sent off a quick note after the
19 comment period. And I only had a short chance to look at anything in
20 it. But when I went down through it, and I was looking at mostly the
21 H&S designations, and a couple of them popped out that struck me as
22 being fairly odd. They were ones that were requirements for a record.
23 And so I sent off my notes. And hey, wait a minute, this doesn't seem
24 right.

25 The response came back about the same day that the final
paper came out with it, and so obviously my comments were too late. I

1 asked who had commented on it, and I thought, well, gee, some states
2 would. But it appears that on agreement states had commented on the B-7
3 or this revision, and ye there had been some other NRC programs that
4 had.

5 It just struck me that, woe, wait a minute, guys, we really
6 didn't look at some of these things, particularly the health and safety,
7 not that I don't have that in my regs. But it did seem a little odd.
8 It doesn't sort of fit with the whole concept of adequacy and
9 compatibility and how we're supposed to do it.

10 If you don't have that one, that's a health and safety. It
11 goes against your finding of adequacy -- not compatibility. And in my
12 book, I mean, that's a more significant finding. Inadquate because of
13 one or more regulations that we don't happen to have. So I guess a
14 couple things.

15 One is we really do need to look at some of these things
16 that NRC sends out. And the other one may be a question directed to
17 NRC, and that's in terms, okay, now that we have this table out there,
18 and if you do fine us with a couple of health and safety regulations,
19 what are your guidelines internally for -- well, does one give us a
20 finding of inadequacy, or does it take ten of these to get us found
21 inadequate.

22 MR. FLETCHER: It sounds a lot like some of those working
23 group questions. I don't know whether there's even an answer to that
24 question, but let's see if we can get one. You need a mike.

25 MR. ROGERS: And that's -- it's inherent in the MRB impact
process that compatibility and the policy statement that compatibility

1 is based on program compatibility. And adequacy is based on program
2 wide capability and adequacy.

3 So when the MRB makes the final decision on a program
4 adequacy or compatibility, it looks at it in its totality. So, yes, the
5 requirement for some specific regulations are based on a health and
6 safety or adequacy need, and others are based on is there a conflict gap
7 or duplication because a regulation is missing or different than NRC's
8 regulation.

9 But basically the MRB looks at the program as a totality and
10 makes an adequacy and compatibility determination. So one rule that is
11 health and safety based does not mean that a program is inadequate
12 unless that rule were so important that it would mean you were not
13 providing an adequate level of safety for the citizens of your state
14 associated with the use of radioactive material. And I don't know of
15 any single regulation that's health and safety based that in my mind
16 would lead to an inadequate program determination.

17 MR. FLETCHER: Do you want to explain what you mean by for
18 information?

19 MR. GODWIN: The organization already has a position.
20 That's the position paper, and all we're doing is transmitting it to the
21 members of Congress for their information that that is our position.

22 MR. FLETCHER: Comments?

23 MS. YOUNGBERG: I'm Barbara Youngberg from the New York
24 State Environmental Conservation Department. I report to Paul Merges,
25 and he sent me here for one reason, and I can't go back unless I say
this.

1 When we commented on the position paper, I think Paul
2 specifically said in his letter that he's like our department's
3 differences noted in the position paper, and I'm told that didn't
4 happen. So I think in this resolution, Paul would also want me to
5 express that if it's being transmitted to Congress or Congressional
6 members that it also be noted that our department didn't agree with the
7 entire position paper.

8 MR. ROGERS: She's absolutely correct. He did ask her that.
9 But instead of noting that New York disagreed, we just took out the
10 words "unanimous," and it now says great majority or vast majority or
11 something like that.

12 Paul's department has adopted an official policy of 10
13 millirem per year. And so that is the New York policy for that agency.
14 And so they can't buy into a 25 millirem per year all pathways position
15 because they officially have something else.

16 MR. FLETCHER: Let me further elaborate. The reason the
17 wording was majority rather than specifically listing a state in
18 opposition is because we had 22 responses not 30. So to list one state
19 in opposition, there may have been more. We didn't get that level of
20 response. But we did have a majority of states. So we stated what was
21 true rather than what might not have been.

22 Other questions or comments? If you've got reservations,
23 this is the time to bring them out.

24 MR. KLINGER: A suggestion that we also send a copy of this
25 to the EPA.

 MR. FLETCHER: Okay. Is that an acceptable amendment?

1 MR. GODWIN: It doesn't bother me any.

2 MR. FLETCHER: Okay, seeing and hearing no further
3 discussion, all those in favor of the motion to send a copy of our
4 position paper to the appropriate committee for information signify by
5 raising your hands. Opposed? Okay. Okay, the ayes have it.

6 Now is someone going to identify the appropriate committees?

7 MR. GODWIN: When I get home, I'll call you and let you
8 know.

9 MR. FLETCHER: Okay.

10 MR. BAILEY: Hey, one thing. If you all went to the HPS
11 meeting, HPS put out a great Congressional handbook. And you ought to
12 -- that book alone will give you all this information you need.

13 MR. FLETCHER: Do you have a copy of that, Ruth? Okay. Is
14 it too thick to mail?

15 MR. BAILEY: Yeah, it's about this thick. It's a real
16 handbook.

17 MR. FLETCHER: Where? Okay, I'd appreciate that.

18 MR. COLLINS: Steve Collins again. I want to make sure that
19 everybody knows I was representing Illinois, not a 201(3)(c) tax exempt
20 organization while we were doing this.

21 MR. FLETCHER: Okay, we are still at the point in the agenda
22 for topics, resolutions, position papers. Jake?

23 MR. JACOBI: This is just a real quick one that I'd like to
24 recommend for the Executive Committee to think about. This is a
25 multiyear project. But as we have 30 states and I hear there's five,
six states who have or about to send letters to Joy, and I heard someone

1 from the NRC says they think pretty soon there's going to be 40 states.
2 And I hear us saying we're going to set up some liaisons and we're going
3 to work with the end committees, and we're going to start sending
4 letters to the Commission.

5 I'm thinking collectively we are spending time and resources
6 that we also collectively with a few others did through the conference.
7 And over the next several years I think it would be a good project under
8 the direction of the Executive Committee to come up with some options
9 and work with conference of how this organization and the conference are
10 going to be working together in five, ten years when most of the
11 conference members will probably -- I mean more of the conference
12 members will probably be members of this organization, too.

13 MR. BANGART: This is going to be aired in Paul's discussion
14 tomorrow. I think it's clear at least based on the Part 35 meeting that
15 the health and safety based determination or need for a rule is one
16 element of the current policy or practice that is probably is most
17 controversial right now.

18 MR. FLETCHER: Ed?

19 MR. BAILEY: I need you all's help, we have a licensee who
20 is going to install several license sources devices on a satellite and
21 shoot it up to orbit around the earth.

22 Now I know back when we did balloon launches, Aubrey thought
23 that the balloon facility had to give reciprocity to Alabama.

24 MR. GODWIN: Only when it lands.

25 MR. BAILEY: But I think it's unclear about whether or not
we have jurisdiction to include orbiting satellite to authorize

1 materials to be put into a satellite to orbit the earth. And if anybody
2 has dealt with this question and how you license it, I would be very
3 happy to get your information and how do you deal with when it burns up.

4 MR. FLETCHER: Don't they have to be available for
5 inspection?

6 MR. BAILEY: That sounds just like those gauges on the top
7 of cracking towers you went up and checked the serial numbers on. Yeah,
8 you've got a real good telescope.

9 MR. COLLINS: I think the export rule and the clearance rule
10 together will solve this problem in two years. Let me come back. Maybe
11 you didn't catch the hint, or maybe you didn't and didn't want to do
12 anything with it when I made the statement about the OAS position paper
13 which was sent around to all of you, and basically that was pretty much
14 an unanimous document. It was revised to --

15 MR. FLETCHER: It was a very heavy majority. Let's not say
16 unanimous.

17 MR. COLLINS: Okau, that's right. We won't say unanimous.
18 A very heavy majority. One of the things Commissioner Diaz said was
19 Congress needs to hear from that dual regulation has gone on too long.
20 The states and NRC have expertise to do this. So that position paper
21 being the basis of it, it looks like maybe this organization could
22 address letters -- not only this organization, but the individual state
23 members could address letters and attach a copy of that documet to your
24 own elected officials to say dual regulation has gone on far too long.
25 Resolve it using language provided by Chairman Jackson if you liked her
language and in accordance with the following position. See attached.

1 MR. FLETCHER: Comments?

2 MR. GODWIN: I believe it's within the capability that the
3 organization could send letters to appropriate committees as information
4 letters to committees of Congress without creating any kind of problem.

5 MR. FLETCHER: Well, what is the will of the body?

6 MR. GODWIN: The what?

7 MR. FLETCHER: I said what is the will of the body, or does
8 the --

9 MR. GODWIN: I move that we send a copy to the appropriate
10 committees of Congress for information purposes.

11 MR. FLETCHER: Is there a second?

12 MR. RATLIFE: Second.

13 MR. FLETCHER: Okay we had a second. It's been properly
14 moved and second that we send copies of the letter to the appropriate
15 committees for information, and there's a lot of additional information
16 that's got to be filled in there as far as what are the appropriate
17 committees. But question and discussion.

18 MR. PADGETT: Aaron Padgett, North Carolina. I'm not clear
19 yet on -- okay, we're sending the position paper as drafted for
20 information purposes only, and the organization is not taking a position
21 in support or in opposition to the position paper, is that correct? Is
22 that what we're voting on?

23 MR. FLETCHER: Any comments or discussion on that point? So
24 noted. Speaking of our potential future agreement states, Ohio,
25 Oklahoma, Pennsylvania, Minnesota, Wisconsin and someone mentioned a
sixth? Connecticut.

1 These are states that I understand that are in varying
2 levels of becoming agreement states. So within the next not too distant
3 future, we're going to have at least 36. And as Jack as indicated,
4 probably 40 within a five year period. So that is something we need to
5 be doing.

6 We've come to the point in the agenda where we need to --
7 the floor is open for nominations for chair elect. The floor is open
8 for nominations for chair elect.

9 MR. RATLIFF: I nominate Ed Bailey.

10 MR. FLETCHER: Okay. Is there a second for the nomination?

11 MR. BAILEY: What have I done to you recently?

12 MR. FLETCHER: It's been properly moved and seconded that Ed
13 Bailey --

14 MR. GODWIN: I move that the nominations are closed.

15 MR. FLETCHER: The nominations are closed on the name Ed
16 Bailey.

17 MR. O'KELLY: Before you move on that closure, remember how
18 Ed likes to talk and think how long these meetings are going to be.

19 MR. FLETCHER: That's why I'm having this one taped, and
20 he's going to have to play it.

21 MR. BAILEY: Remember, the chair of meetings is not supposed
22 to talk. They're supposed to just direct the meeting.

23 MR. FLETCHER: I'm glad to hear it. All those in favor, say
24 aye. Opposed. Congratulations.

25 MR. BAILEY: You didn't count the nays.

1 MR. FLETCHER: Well, the last two items are a break in
2 discussion with NRC representatives. We've got 15 minutes before the
3 reception. We've had some discussions with the NRC representatives.
4 They've essentially heard what we had to say.

5 We haven't really discussed specific proposals. So I would
6 like to just allow for the next few minutes any item that someone wants
7 to bring up, and we can close this meeting and not have to have one on
8 Saturday. And if no one has anything to bring up, we can close this
9 meeting and not have one on Saturday.

10 As my final act in this business meeting, I'm giving all of
11 you the opportunity for one last time to bring up any item we have not
12 covered or that we should talk about. If not, I certainly appreciate
13 your cooperation. This is probably been a meeting that stayed closer to
14 being on time than I can remember which I definitely thank you for. And
15 without further adieu, this business meeting is adjourned.

16 [Whereupon, at 6:10 p.m., the meeting was recessed, to
17 reconvene at 8:00 a.m., Friday, October 30, 1998.]
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