

# **Official Transcript of Proceedings**

## **NUCLEAR REGULATORY COMMISSION**

Title: Meeting on Alternative Disposal  
Request Guidance Revision

Docket Number: (n/a)

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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MEETING ON ALTERNATIVE DISPOSAL  
REQUEST GUIDANCE REVISION

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THURSDAY,

NOVEMBER 16, 2017

+ + + + +

TELECONFERENCE

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The Meeting convened by teleconference  
at 1:00 p.m. Eastern Standard Time, Sarah Lopas,  
Facilitator, presiding.

PRESENT:

SARAH LOPAS, Facilitator

GREGORY SUBER

ROBERT LEE GLADNEY

ADAM SCHWARTZMAN

KELLEE JAMERSON

IAN IRVING

ADAM GENDELMAN

DUNCAN WHITE

DUANE SCHMIDT

DON SAFER\*  
JAMES GRICE\*  
JOHN MITCHELL\*  
STEVE GATTIS\*  
LISA EDWARDS\*  
STEVEN GARRY\*  
BETSY LANGILLE\*  
DANIEL SHRUM\*  
MARK ROBERTS\*  
LARRY MILLER\*  
KELLY CROOKS\*  
DEBBY STEVA\*  
KAREN KIM\*  
CAMILLE ZOZULA\*  
CYRUS TURNER\*  
JANET SCHLUETER\*  
CARDELIA MAUPIN\*  
MELANIE WONG\*  
MATT SCHELLINGER\*  
CHRIS SHAW\*  
HARRY FELSHER\*  
CONN FRASER\*  
TYSON SMITH\*  
CHRIS SCHNEIDMILLER\*

HILARY LANE\*  
PAUL MICHALAK\*  
JOE HART\*  
MICHEAL SMITH\*  
RICH JANATI\*  
DON LOWMAN\*  
GREGORY FERRIGNO\*  
RYAN WHITED\*  
RUBEN CROSSLIN\*  
MARINA PULLEY\*  
BEN SEIBER\*  
JIMMY ALLDREDGE\*  
ARTHUR TUCKER\*  
GREGORIO ROSADO\*  
KAREN BLANCHARD\*  
HAZEL IRENE CASARES\*  
LUN MA\*  
ANDREW TAYLOR\*  
ANGELA MINDEN\*  
JANELLE JESSIE\*  
ANTHONY SANDONATO\*  
KATHY MODES\*  
JENNIFER OPILA\*  
SONIA SIMMONS\*

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GWYN GALLOWAY\*

DAVID STRADINGER\*

MUHAMMADALI ABBASZADEH\*

JAMES HESCH\*

VICTOR DIAZ\*

STEPHEN GAVITT\*

HELEN WATKINS\*

CHUCK FLYNN\*

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BILLY FREEMAN\*

DARCY CAMPBELL\*

\*Participated by teleconference or webinar

## P R O C E E D I N G S

1:01 p.m.

MS. LOPAS: Hello, everybody. Good afternoon or good morning, depending on where you are. Welcome to our webinar on the draft revision to Guidance for Reviews of Proposed Disposal Procedures and Transfer of Radioactive Material under 10 CFR 20.2002 and 10 CFR 40.14A. My name is Sarah Lopas and I will be facilitating today's webinar. I am going to start by introducing who is in the room with us here at the NRC that is going to be the primary speakers -- we do have a bunch of folks here with us today.

We have Gregory Suber and he is the branch chief of the Low-Level Waste branch here in the Office of Nuclear Materials, Safety and Safeguards. We have Robert Lee Gladney, and he is our project manager in the Low-Level Waste branch. And we have Adam Schwartzman, who is a risk analyst in our Performance Assessment branch.

Before I hand things over to Greg, he can kick us off; I just want to go over the general format of our webinar today. So as our operator, Melinda, noted, right now everybody is in listen-only mode. And we will go through our presentation

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1 first, and then as soon as we are done with that we  
2 will go ahead and open it up for your questions and  
3 comments. And you will go ahead and do that by  
4 pressing star 1 on your phone. And that's going to  
5 let Melinda know that she needs to un-mute your line  
6 for you to ask a question.

7 You can also ask questions by the  
8 webinar -- you know, so if you look to the right of  
9 your screen there's this control panel and I believe  
10 you can ask the question that way, through the  
11 question function or the chat function. I do see  
12 that, I think somebody has already asked a question.  
13 I will get to your question in just a second when I  
14 get a chance to do that.

15 Our webinar is going to be -- is being  
16 transcribed today, so when you ask a question, we  
17 ask that you start by introducing yourself. And I  
18 want to remind NRC staff to do that as well. Please  
19 introduce yourself before you respond to a comment  
20 or question. And I want to make it clear also that  
21 today's meeting is an informational meeting. So if  
22 you are going to submit comments on this draft  
23 guidance document, you need to do so formally either  
24 via Regulations.gov -- and you can search for the  
25 Docket ID NRC 2017-0198. Or you can mail your

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1        comments to the NRC.

2                    And so when we get to the end of our  
3        presentation you'll see -- we will have a slide up  
4        that shows how you can submit your comments and how  
5        you can find that Federal Register Notice that was  
6        funded on October 19th. But we are looking for your  
7        formal comments to be submitted on the docket by  
8        December 18th. So that is your deadline. Okay, I  
9        think that covers it. So I am going to hand it over  
10       to Greg Suber.

11                   MR. SUBER: Once again, this is Gregory  
12        Suber and I -- first of all, I would like to thank  
13        everybody who is calling in either on a bridge line  
14        or participating via the webinar. Thanks for taking  
15        the time out to participate in this webinar, and we  
16        look forward to your submitting comments and asking  
17        questions in this current form. Just would like to  
18        say that, you know, public participation is really  
19        important to the NRC. And we take it seriously as  
20        part of our regulatory process and it is -- it  
21        enables us to be more open and transparent in how we  
22        come about making our regulatory decisions.

23                   The draft document is currently out for  
24        comment, and it is available to the NRC Low-Level  
25        Waste external web page that you can get through --

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1 from [www.nrc.gov](http://www.nrc.gov). And as Mr. Gladney is going to go  
2 over in a few minutes, the comment period is open  
3 until December the 18th. Mr. Gladney is going to  
4 talk about the revised guidance document and tell  
5 you how you can submit your comments formally, and  
6 also Mr. Schwartzman is going to give you an  
7 overview. So I am not going to talk about that.

8 But what I would like to say is that we  
9 take these public comments that we're asking for  
10 very seriously. In fact, we have a really good  
11 track record receiving public comments and  
12 evaluating them closely, and sometimes making very  
13 significant changes to draft documents.

14 So, I just want you to know that the  
15 comments that you're taking will be taken seriously  
16 -- the comments that you're offering will be taken  
17 seriously. They will be considered by the staff.  
18 They will be a part of the formal record for our  
19 decision making. And, you know, with a -- and there  
20 is a potential that they can impact the current  
21 guidance document. So with nothing further to say I  
22 will pass it over to Mr. Gladney.

23 MR. GLADNEY: Thank you, Gregory.  
24 Hello, my name is Robert Lee Gladney and I am an NRC  
25 project manager within NMSS. Today I will discuss

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1 the NRC's alternative disposal requests, or ADR  
2 guidance document revision. Some of you may also  
3 have heard of this as the 20.2002 procedure.

4 This guidance is a part of our Low-Level  
5 Waste programs, and in particular it is associated  
6 with very low-level waste. As you can see from the  
7 slide, in addition to myself Adam Schwartzman will  
8 also present later in this discussion. Next slide,  
9 please.

10 Before I discuss the guidance itself,  
11 let's first discuss very low-level waste, or VLLW.  
12 Very low-level waste is the term used to refer to  
13 those low-level radioactive waste that contains some  
14 residual radioactivity, including naturally  
15 occurring radionuclides, which may be safely  
16 disposed of in hazardous or municipal solid waste  
17 landfills. These wastes are a small fraction of the  
18 Class A limits in 10 CFR, part 61.

19 The current very low-level waste primary  
20 disposal option is disposal in a licensed, low-level  
21 waste facility. However, there are existing  
22 alternative disposal options which include disposal  
23 in a RCRA facility or by other means under the  
24 provisions of 10 CFR 20.2002. Also, 40.51 Bravo 3  
25 and 40.13 Alpha provide a mechanism for transfer of

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1 unimportant quantities of source material exempt  
2 from licensing.

3 One of the reasons why this is becoming  
4 an increasingly important topic is that, with more  
5 decommissioning waste anticipated, the volume of  
6 very low-level waste is expected to increase in the  
7 future. Next slide. The NRC evaluates alternative  
8 disposal requests on a case-by-case basis. The  
9 licensees submit applications to the regulatory  
10 authority, either the NRC or their agreement state  
11 as applicable.

12 The NRC processes the issue of 20.2002  
13 authorization for those requests that are approved  
14 concur with the specific exemption from licensing  
15 requirements. Examples include 10 CFR 30.11, 40.14  
16 and 70.17. Next slide. In addition, other  
17 regulations addressed disposal options for  
18 radioactive material. We discussed 40.13, 10 CFR  
19 40.13 allows for exemptions from the licensing  
20 requirements for certain materials containing  
21 uranium and thorium that are referred to as  
22 unimportant quantities. In particular, 40.13 Alpha  
23 exempts any person from NRC licensing requirements  
24 to the extent that such a person receives,  
25 possesses, uses, transfers and delivers source

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1 material and any chemical mixture, compound,  
2 solution or alloy in which source material is by  
3 weight less than 0.05 percent of the mixture,  
4 compound, solution or alloy.

5 The regulations in 10 CFR 40.51 Bravo 3  
6 are apply to transfers of licensed source materials  
7 to any person exempt from the licensing requirements  
8 or the Atomic Energy Act, or AEA, and regulations in  
9 part 40 to the extent permitted by the exemption.  
10 10 CFR 40.51 Bravo 3 provides licensees a mechanism  
11 for transfer of unimportant quantities of source  
12 material exempt from licensing on the 40.14 Alpha.  
13 Next slide.

14 Now we will discuss the Alternative  
15 Disposal Request Guidance itself. The original  
16 version was issued in 2009 as publically available,  
17 and was entitled Review, Approval and Documentation  
18 of Low-Activity Waste Disposals in Accordance with  
19 10 CFR 20.2002 and 10 CFR 40.13 Alpha. It was the  
20 first single procedure covering safety and security  
21 reviews, the preparation of an environmental  
22 assessment and coordination with stakeholders for  
23 alternative disposal requests -- or, as we referred  
24 to earlier, ADRs.

25 It was primarily focused on 20.2002, but

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1 also included 40.13 Alpha. I will point out here  
2 that 20.2002 reviews are typically more frequently  
3 done than 40.13 Alpha reviews. The draft interim  
4 procedure was issued with a plan to finalize it  
5 after it had been implemented and used for more  
6 alternative disposal requests. Next slide, please.

7 Following the issuance of the original  
8 Alternative Disposal Request Guidance, the NRC  
9 conducted its programmatic assessment of its low-  
10 level waste program in 2016. As you see here on the  
11 slide, SECY-16-0118 is that assessment. The need  
12 for a guidance document revision was determined to  
13 be a high priority in the low-level waste  
14 programmatic assessment. It has been revised -- and  
15 when I say it, I mean the guidance -- to improve the  
16 alternative disposal request process by providing  
17 more clarity, consistency and transparency to the  
18 process. In addition, this revision also clarifies  
19 the meaning of disposal relative to 10 CFR 20.2002  
20 to include reuse and recycle.

21 The NRC has completed its final draft  
22 guidance document revision. This document has been  
23 made available for public comment and a Federal  
24 Register Notice has been issued. The NRC is  
25 interested in receiving comments related to the

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1 guidance document revision from stakeholders  
2 including professional organizations, licensees,  
3 agreement states and the public. Comments will be  
4 considered for additional changes to the guidance  
5 document, as Gregory mentioned earlier. The  
6 issuance of a completed revision, the final  
7 guidance, is expected in early 2018. Next slide.

8 Our stakeholder average has been  
9 extensive. This past summer we reached out to  
10 agreement state discussing the guidance document  
11 revisions on the July 2017 Organization of Agreement  
12 States call and making a presentation to the  
13 guidance -- on the guidance during the 2017 OAS  
14 annual meeting. Our NRC web pages also have  
15 additional information on low-level waste, very low-  
16 level waste and, in general, the 20.2002 process.  
17 This also includes information on the revision of  
18 the guidance, as well as the status, which will  
19 continuously be updated.

20 In addition, there is an NRC fact sheet  
21 entitled Background on Disposals of Very Low-Level  
22 Waste Under 10 CFR 20.2002. It is also available on  
23 the NRC's public web pages and was announced also on  
24 Facebook and Twitter. Last month the NRC made a  
25 presentation on the guidance at the Low-Level Waste

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1 Forum. As we mentioned earlier, our Federal  
2 Register notices, our FRN for the guidance has been  
3 issued. There's a 60-day public comment period,  
4 which ends on December 18th. This Federal Register  
5 notice included a notice of a public meeting, which  
6 occurred on October 19th.

7 In addition to this public meeting, we  
8 are following this up with the webinar that is  
9 occurring today. This webinar is in the middle of  
10 the comments period. I will now turn over this  
11 portion of the presentation to Adam Schwartzman.

12 MR. SCHWARTZMAN: This is Adam  
13 Schwartzman. I am a risk analyst and a Performance  
14 Assessment Branch, in NMSS. I want to emphasize  
15 before I get into this that we are not actually  
16 changing any NRC policies with regards to how we  
17 perform our 20.2002 analyses or our 40.13A analyses.  
18 We are simply updating the current guidance document  
19 to provide clarity, consistency and transparency in  
20 an effort to make this document better, easier to  
21 understand for everybody that's using it, which  
22 includes NRC staff, the agreement states, the  
23 licensees that are preparing their submittals, as  
24 well as any other stakeholders that are involved in  
25 the process.

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1           That being said, from our experiences  
2           doing 20.2002s, some of the key areas that we  
3           thought needed additional clarification and  
4           revisions including -- includes the definition of a  
5           few millirem. Officially there is no official  
6           definition for off-site disposals for what a few  
7           millirem means. There is some mention of it in  
8           NUREG-1757 for onsite disposals, but not for offsite  
9           disposals.

10           We are also -- or, actually,  
11           incorporating information regarding the roles and  
12           responsibilities of the regions and various NRC  
13           offices in the 20.2002 process. This includes both  
14           NMSS, NRR, OGC and the regions. We are also trying  
15           to consolidate the guidance, including a list of key  
16           documents and references that serve as the source of  
17           the specific requirements, and the clarifying -- the  
18           definition of what disposal means in the context of  
19           20.2002, which from the very beginning has included  
20           recycle and reuse.

21           To clarify that a little more -- next  
22           slide, sorry. Licensees may request through the  
23           20.2002 process approval for the reuse, recycle of  
24           licensed materials. That process involves our  
25           consideration of doses to the members of the public

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1 as well as the transport of the materials to  
2 facilities that may reuse or recycle the material.  
3 It also involves consideration of reasonably  
4 foreseeable chemical, physical and other material  
5 processing activities that may lead to unique worker  
6 exposure scenarios as a result of reuse and  
7 recycling, as well as possible disposition pathways  
8 for the contaminated material.

9 And I also like to emphasize that we're  
10 not talking about clearance. And that reuse and  
11 recycling activities through the 20.2002 process are  
12 still subject to strong regulatory controls, are  
13 considered on a case-by-case process and consider --  
14 and still based on the consideration of a few  
15 millirem. Next slide.

16 Also the NRC's approach generally does  
17 not allow recycle and reuse into consumer products,  
18 which includes products related to food preparation,  
19 personal items, household items -- anything related  
20 to products for children. Only certain acceptable  
21 restricted industrial uses have been approved in the  
22 past. In general -- we included two here. One was  
23 concrete from reactor facilities that were used as  
24 retaining walls along the side of a river. And the  
25 reuse of oil that was collected from power plants

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1 that had non-detectable concentrations of radio  
2 radionuclides in it that were approved for reuse and  
3 recycling as industrial oil. With that -- that  
4 includes -- concludes my session. Who wants to read  
5 the last slide?

6 MR. GLADNEY: So -- so then just -- on  
7 this slide we have ways to submit a comment to the  
8 NRC. You can submit them electronically as  
9 described on the slide itself. On the Federal  
10 Register Notice this -- 82 FR 48727. It was issued  
11 on October 19th. Or you can go to  
12 [www.regulations.gov](http://www.regulations.gov) and search on Docket ID NRC-  
13 2017-0198. And if you have technical questions on  
14 the Federal Register Notice, you can contact me,  
15 Robert L. Gladney at robert.gladney -- that's G-L-A-  
16 D-N-E-Y at NRC.gov. Or you can call me at 301-415-  
17 1022. After that we have concluded our main portion  
18 of the presentation and we can go to questions.

19 MS. LOPAS: All right, everybody. This  
20 is Sarah Lopas again. So if you have a question you  
21 can do one of two things. You can press star 1 on  
22 your phone, and that will let Melinda know that she  
23 needs to queue you up to -- to open your line. Or  
24 you can submit a question using the webinar program.  
25 And I think you just go ahead and type in the

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1 question part. So Melinda, let us know when you get  
2 the first person on the line.

3 OPERATOR: Thank you. One moment,  
4 please. We do have a question that came through  
5 from Don Safer. Your line is open.

6 MR. SAFER: Thank you, this is -- this  
7 is Don Safer in Nashville, Tennessee. And I wanted  
8 -- I've got, I guess, several questions. But the  
9 first one on that -- one of the last statements  
10 about the waste oil from power plants being  
11 recycled. We had a situation in Tennessee where  
12 there was a proposal to bring in waste oil to  
13 accompany a waste processor in Oak Ridge to screen  
14 that oil. And the reality around that seemed to be  
15 that oil is a very difficult substance to monitor  
16 for radiation because of the viscosity of the oil  
17 and how hard it is to detect the radiation. And so  
18 that just piqued my interest. That's not  
19 necessarily my only question, but I wonder if you  
20 could answer that. Like how the oil was screened.

21 MR. SCHWARTZMAN: So, I can try. This  
22 is Adam Schwartzman. I will -- I will see if I --  
23 this answers your question. So the request to the  
24 NRC, because the State of Tennessee is an agreement  
25 state, so they actually -- the oversight of the

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1 actual -- they have their own regulation. But the  
2 request to the NRC was to determine whether this  
3 process was actually acceptable under NRC  
4 regulations.

5 And the request was basically -- their  
6 proposal was that they were going to collect oil.  
7 If it had a measurable quantity of radionuclides in  
8 it they were going to dispose of it as low-level  
9 waste. If it was evaluated and measured and did not  
10 have an acceptable -- it was below detectable  
11 levels, although we can't consider it clear -- I use  
12 that word cautiously -- it would be allowed to be  
13 distributed to a recycling facility. Go ahead.

14 MR. SUBER: This is -- this is Gregory  
15 Suber. I -- but I do want to take a short minute to  
16 make one point clear. There is no challenge in  
17 evaluating the radioactivity of -

18 MR. SCHWARTZMAN: Correct.

19 (Simultaneous speaking.)

20 MR. SUBER: -- of quantity of oil.  
21 Okay, so -- so there is no technical challenge.

22 MR. SCHWARTZMAN: Yes.

23 MR. SUBER: If you have oil, you can  
24 determine what the radioactive content is.

25 MR. SCHWARTZMAN: As far as -- yes. All

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1 right.

2 MR. SAFER: Well and I -- I believe that  
3 proposal was actually going to send the oil that as  
4 deemed to be low enough levels of radiation to a  
5 major oil recycler for consumer goods. You know,  
6 for oil for just -- whatever, whether it's  
7 automotive or -- so, I think that was the nature of  
8 it. But it's my understanding that that company  
9 that was -- had submitted the proposal is -- is no  
10 longer operating in Tennessee and that proposal was  
11 never actually -- it never actually happened in  
12 Tennessee.

13 MS. LOPAS: Okay, Don. Do you have any  
14 additional questions?

15 MR. SAFER: Yes. So I am sure all of  
16 you are quite familiar with Bulk Survey for Release  
17 and the other acronyms that are used for a similar  
18 disposal method that is -- is done by a general  
19 permit -- what you could call a general permit in  
20 Tennessee. And millions of pounds of materials have  
21 -- have gone into four or five Tennessee landfills  
22 under that program.

23 How does the proposal -- this -- and I  
24 am aware of the differences that the NRC has, so  
25 this doesn't really change the NRC's approach of a

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1 case-by-case determination and it -- it still leaves  
2 Tennessee -- I believe Tennessee is an outlier with  
3 the only such program in the nation. I would like  
4 you to comment to that. And I understand Tennessee  
5 is an agreement state, but -- but is Tennessee the  
6 only state that has a program like Bulk Survey for  
7 Release?

8 MR. SUBER: Yes, Don. To my knowledge  
9 the Bulk Survey for Release program in Tennessee is  
10 unique. However, it has been evaluated through our  
11 IMPEP process and the Tennessee program has been  
12 found to be compatible with the NRC regulations. So  
13 we -- we have no issues with that program. In  
14 addition to Tennessee there are also other programs  
15 -- emerging programs in Texas and I believe maybe in  
16 Utah and Idaho.

17 So -- and that's a great point, because  
18 one of the things we want to do for -- with this  
19 document is put out some guidance that is clear and  
20 consistent that can be used nationally. So that  
21 people can at their -- so each agreement state or --  
22 can look at their particular program and understand  
23 what the intent of the NRC is regarding 20.2002 and  
24 ensure that their program is consistent with the NRC  
25 program.

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1 MR. SAFER: Well, thank you. One of the  
2 concerns it that because of the uniqueness of the  
3 Tennessee program we have been a magnet for millions  
4 of pounds of materials to go into the north and  
5 south Shelby County, Memphis landfills and the  
6 Middle Point landfill at Murfreesboro, which is not  
7 far from Nashville where I live. And the other two,  
8 Anderson County and Hawkins County.

9 And -- and you know, in cases such as  
10 Big Rock Point reactor, those materials which were -  
11 - if they were screened properly and they were, you  
12 know, truly the level of radiation -- it -- it's  
13 kind of unnecessary for all that material to be  
14 shipped to Tennessee. There's a lot of  
15 transportation expense and everything else.

16 And it would -- it has always confused  
17 me that if the stuff is so low level in radiation,  
18 why is it not being disposed some place much closer  
19 instead of being shipped, in that case, you know,  
20 well over probably 1,000 miles or somewhere around  
21 1,000 miles to Tennessee. And so the outlier status  
22 of Tennessee seems to be creating a -- an artificial  
23 attraction of this material to Tennessee that I  
24 think is not the original intention of how low-level  
25 waste -- and especially very low-level waste would -

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1 - should be disposed.

2 MS. LOPAS: Okay, Don. I think this is  
3 -- you know, that's a pretty complex comment that  
4 you had. I think -- we hope that you submit that  
5 via the -- you know, the formal comments, you know,  
6 process on the docket so that's something that the  
7 NRC staff can look at and look into and address.  
8 Because it's not something that we can address right  
9 here over -- over the phone.

10 MR. SAFER: Okay.

11 MS. LOPAS: So -- does that sound good?  
12 All right.

13 MR. SAFER: Well that's fine. I hope I  
14 can -- you know, I will try to find a time to submit  
15 those comments. Thank you.

16 MS. LOPAS: Okay. Before we go to our  
17 next phone comment, I have a couple questions that I  
18 want to read here from the webinar. So I have one  
19 question here. If reuse and recycle are acceptable,  
20 can reuse and recycle be taken into consideration  
21 for financial assurance? For example, pool, quote  
22 unquote, sterilization irradiator licenses were not  
23 allowed to take reuse and recycle into account. It  
24 had to assume all cobalt 60 millions of curies would  
25 be disposed of as rad. waste.

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1 MR. SUBER: Okay, yes. The -- I am  
2 trying to understand -- this is Gregory Suber again.  
3 I am trying to understand the question. But when  
4 you are talking about cobalt irradiators, we are not  
5 talking about very low-level waste.

6 Cobalt -- irradiators of that size would  
7 be either B or C waste and therefore would be  
8 totally excluded from -- from the process that we  
9 are addressing in this guidance document. I mean,  
10 so it may be appropriate to ask those questions  
11 maybe of NNSA, who are looking at recycling and  
12 reusing -- and reusing large irradiators. But the --  
13 besides the quantities -- the radioactivity of  
14 those irradiators are way outside of the scope of  
15 the guidance document that we are revising.

16 MS. LOPAS: Excellent. And one more  
17 here. Can staff speak more about the clarification  
18 of, quote unquote, a few millirem?

19 MR. SUBER: Okay, well a few -- okay,  
20 well the -- this is Gregory Suber again. And the  
21 public dose standard is 100 millirem. And when the  
22 Commission revised the -- or sent out the -- the  
23 constraint about a few millirem, what we did is we  
24 made sure that these particular actions were a very  
25 small fraction of what the public dose limit is. So

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1 by choosing a few millirem, which we generally  
2 define as the less than five millirem, we have  
3 chosen a value that was so low that there was a  
4 significant difference between these actions and  
5 what someone could be exposed to at the statutory  
6 limit, which is the dose standard of 100 millirem  
7 per year.

8 MR. GLADNEY: Gregory is correct, and  
9 just to kind of give you that -- again, information  
10 as far as the public dose limits in 10 CFR 20.1301 -  
11 - and, sorry. I am Robert Gladney responding to  
12 that.

13 So just want to -- just kind of point  
14 out that the public dose limit he mentioned of 100  
15 millirem is in 10 CFR 20.1301 and the NRC, for  
16 looking at this criterion, this is a fraction of the  
17 natural radiation dose, as Gregory mentioned, one  
18 percent, approximately, of that or less. And then a  
19 fraction of that annual dose limits. And then also  
20 there's no attaining of all objectives. So those  
21 are some of the reasons why, in addition to what he  
22 mentioned -- that we selected that few millirem  
23 criteria.

24 MR. SCHWARTZMAN: And this is Adam.  
25 Just for clarification, that -- the -- that question

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1 is the reason why it is being added into the  
2 document.

3 MR. GLADNEY: Yes.

4 MS. LOPAS: Okay. All right, Melinda,  
5 do we have other questions on the phone?

6 OPERATOR: Thank you. The next question  
7 is from James Grice. Your line is open.

8 MS. LOPAS: Hello.

9 MR. GRICE: Hello. Thank you. This is  
10 James Grice from the State of Colorado. I had a  
11 question about how this relates to exemptions that  
12 already exist within the regulations. For instance,  
13 if we have a specific licensee who may have a  
14 process in which the resultant material, in terms of  
15 concentration, is less than the exempt concentration  
16 that we have in our -- in our regulations, would  
17 that be -- would it be necessary, one, for there to  
18 be a 20.2002 full review process on that if the  
19 materials were that low? In other words, does -- is  
20 it -- especially in the cases of a decay in storage  
21 situation, is it reasonable to use an exempt  
22 concentration as a threshold rather than go through  
23 a full 20.2002 look at it with a dose assessment, et  
24 cetera, et cetera?

25 MS. LOPAS: Okay, so you are asking --

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1       guys are thinking around the table here.

2                   MR. GLADNEY: I am trying to make sure I  
3 understand -- yes, understand the question. This is  
4 Robert Gladney. I mean, can you just kind of more -  
5 - just kind of clarify the question itself?

6                   MR. GRACE: Sure. If a specific  
7 licensee is -- has a material that has a licensed  
8 isotope within that material -- it's a waste  
9 material -- they're decaying it in storage. They  
10 survey it or -- and, or assay it and the material at  
11 that point is below the exempt concentrations for  
12 licensing, is that a reasonable kind of decision  
13 point to allow that to be released as normal waste?  
14 Or, you know, non-licensed, non-radioactive waste?  
15 Or would you need to go through the whole process of  
16 the 20.2002 kind of exemption?

17                   MS. LOPAS: All right, hang on. We are  
18 talking here.

19                   MR. GRICE: Okay, no worries. I  
20 appreciate the -- the thoughtfulness because it's a  
21 -- it's a -- it's a question that I had been  
22 thinking about a lot.

23                   (Pause.)

24                   MS. LOPAS: We are still here.

25                   (Pause.)

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1 MS. LOPAS: All right, we are going to  
2 try to have Duncan try to answer -- Duncan White.

3 MR. GRICE: Hey, Duncan.

4 MR. WHITE: Hey, Jim. How are you  
5 doing?

6 (Laughter.)

7 MR. GRICE: Good.

8 MR. WHITE: I think the gist of your  
9 question is -- what you propose is, you know, there  
10 are specific ways to dispose of materials. And most  
11 of the methods which I am talking about is under --  
12 you know, under NRC regulations is 20.2000 --  
13 there's several -- describes some regulatory methods  
14 that allow you to do that. That one that we're  
15 talking about today is 2002.

16 MR. GRICE: Correct.

17 MR. WHITE: Something that is allowed,  
18 like decayed storage, is another method. Again,  
19 that's a -- that's allowed on a license. It's --  
20 you know, that's a -- it's a -- an allowed way to  
21 dispose of materials because there's an evaluation  
22 done of the material. It's a certain isotope,  
23 certain half-life, survey done, another disposed --  
24 under its new stack, you dispose it, makes the same  
25 criteria.

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1 I don't think the allowing it to decay,  
2 assaying it allows something -- anything to decay to  
3 a certain level, comparing it to a table and  
4 releasing it -- I don't think that's -- that doesn't  
5 meet the regulatory requirements. Again, you would  
6 have to do some sort of evaluation. I mean, it  
7 would still have to be disposed of according to the  
8 regulations.

9 And, again, for the 20.2002 method may  
10 be an appropriate way to do that depending on, you  
11 know -- depending on how much it decays, the  
12 quantity, and stuff -- and that's -- that would be  
13 an allowed way of doing it. So if -- my answer is  
14 more of a regulatory answer in the sense that it's -  
15 - has to fit within the regulatory pathways of  
16 disposal. And you just can't compare to get -- a  
17 quantity on a table. It has to be some sort of --  
18 allowed to do it for a regulatory pathway, or you do  
19 an assessment on it as we do in the 20.2002 process.  
20 Does that make sense?

21 MR. GRICE: Yes, it does. I mean, I --  
22 so I think the answer is yes, you would have to look  
23 at it in terms of a full-dose assessment and all  
24 that. You couldn't just kind of say, well, it looks  
25 like exempt material. And were it exempt in the

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1 first place, nobody would really have their eyes on  
2 it anyways. But -- okay. Thank you.

3 MR. WHITE: Sure.

4 MS. LOPAS: Thanks, James. Melinda? Do  
5 we have somebody up next?

6 OPERATOR: No further questions showing  
7 at this time.

8 MS. LOPAS: Okay. I have a couple  
9 questions here. One is from John Mitchell, who --  
10 John if you're listening, I am going to try to read  
11 your question. I don't know if it's a comment. It  
12 is a little unclear to me, so you might need to  
13 resubmit this question. So John says based on the  
14 question from Tennessee, the NRC was determining if  
15 -- if the recycling of oil was okay, wasn't it in  
16 Tennessee as an agreement state's role to evaluate  
17 the numbers and acceptability of -- for recycling?  
18 John, we might need to resubmit that.

19 MR. SCHWARTZMAN: No, I -- I think I can  
20 answer that.

21 MS. LOPAS: You've got it? All right,  
22 Adam is going to --

23 (Simultaneous speaking.)

24 MR. SCHWARTZMAN: I am going to try and  
25 -- this is Adam Schwartzman. I am going to try and

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1 answer the question. If I am -- if I am answering  
2 the wrong question, let us know.

3 Yes, the State of Tennessee -- it is an  
4 agreement state and they have their own comparable  
5 regulations. But they sent that proposal to us to  
6 look at through the eyes of the NRC's regulations.  
7 Because of potential concerns that this may be  
8 precedent setting and that other states and other --  
9 companies in other -- other states would be  
10 interested in doing that -- that form of recycling.  
11 So they just sent it to us to have us look at it and  
12 see if it would be acceptable through -- through our  
13 regulations.

14 MS. LOPAS: Thank you, Adam. All right,  
15 I have another question here on the webinar. If a  
16 licensee excavates some soil that has extremely low  
17 levels of contamination, and they intend to keep the  
18 soil in the protected area and just let grass over  
19 it -- does it -- just let grass grow over it, does  
20 it require a 20.2002 exemption?

21 (Pause.)

22 MS. LOPAS: We -- we might need some  
23 clarification on this one. I will type back to --  
24 or whoever. But -- Melinda, do we have anybody on  
25 the line?

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1 OPERATOR: Thank you. Next question  
2 from Steve Gattis. Your line is open.

3 MR. GATTIS: Good afternoon. This is  
4 Steve Gattis with New York. I have a question on  
5 the draft guidance. On page 27 it says the  
6 exemption for reuse or recycle cases that's expected  
7 to be issued by the regulator of the licensee  
8 dispositioning the material.

9 In this case, the regulator of this  
10 agreement state receiving the material does not need  
11 to issue another exemption as the exemption issued  
12 by the regulator would apply to all possessors of  
13 the material. So are you saying that the agreement  
14 state where this material may end up may not be  
15 involved in that decision?

16 (Pause.)

17 MS. LOPAS: We are talking, hang on.

18 (Pause.)

19 MS. LOPAS: We are still here, guys.

20 (Pause.)

21 MS. LOPAS: All right, we are back.

22 MR. SUBER: Great comment.

23 (Laughter.)

24 MR. SUBER: Okay, so we are going to  
25 look at that and -- and we are going to clarify it

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1       because I think, even in our discussion, we believe  
2       that once they do the authorization that the other  
3       entity should have the -- the exemption. So we are  
4       going to go back, look at that and make sure that we  
5       can come up with a consistent, defensible and legal  
6       approach.

7                   MR. GATTIS: Okay, thank you.

8                   MR. SUBER: You're welcome.

9                   MS. LOPAS: So just a reminder for folks  
10       to press star one on their phone. Star one if you  
11       want to ask a question on the phone. Melinda I have  
12       a question -- or, hang on one second, Melinda, just  
13       give me a second.

14                   (Pause.)

15                   MS. LOPAS: Hey Melinda, do you have  
16       Steve -- do you know if you have a Steve Gary on --  
17       waiting to ask a question, or in queue?

18                   OPERATOR: One moment, please.

19                   MS. LOPAS: And Lisa Edwards, if you're  
20       on the line, Steve is going to try to answer your  
21       question.

22                   OPERATOR: I do not. If you are on,  
23       Steve, if you could press star zero at this time it  
24       will open your line. Once again, star zero, Steve,  
25       at this time. One moment, please.

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1 (Pause.)

2 MS. LOPAS: Hey, Melinda, I believe that  
3 Lisa Edwards who asked the question originally might  
4 be on the line. Can you see if Lisa is on the line?

5 OPERATOR: We do have Lisa. Lisa, your  
6 line is open.

7 MS. EDWARDS: Thank you. Hello, the  
8 question I was asking came from a utility person and  
9 they said, so when I looked at the guidance that was  
10 out there, my question really centers on whether I  
11 need to request an exemption. So as a utility, some  
12 soil licensed material was excavated. It had very,  
13 very low levels of activity in the soil. And so --  
14 in fact, those were low enough that you wouldn't  
15 even set up like a radioactive materials storage  
16 area for it.

17 So in deciding how to disposition it,  
18 rather than send it off site or request a 20.2002  
19 exemption for -- for ultimate disposal offsite they  
20 said, well, why don't we just leave it onsite,  
21 inside the protected area -- so it's not going to  
22 walk away or go anywhere -- and, you know, perhaps  
23 it just sits there and grass grows over it? And  
24 that this would be something that would go in their  
25 55 Golf File of area that had some radioactive

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1 material, sort of like you would handle a spill and  
2 keep -- keep track of those.

3 And they wanted to know, if they're just  
4 moving it from location A inside of the protected  
5 area to location B, and they're not going to do  
6 anything else with it, do they need a 20.2002  
7 exemption for that -- to do that? And it centers on  
8 the fact that if they just left it where it was --  
9 the contamination levels are very low.

10 They could document that they had a  
11 spill and the activity there was extremely low and  
12 that they were not remediating it at this time --  
13 they wouldn't have to have any type of exemption  
14 paperwork to do that. But by physically excavating  
15 it and moving it to another location, still inside  
16 the fence, they are wondering if they would need  
17 this exemption in order to do the physical move.

18 MS. LOPAS: Okay, Lisa, we hear you.  
19 Looking around the table.

20 MR. WHITE: Okay, I will give you a --  
21 this -- this is Duncan White. Answering the first  
22 part of your question, if the material stays in  
23 place and they just -- you just plant grass on it,  
24 that would be -- that would be allowed. Again, they  
25 would have to keep records of where the material is

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1 because obviously when the license is -- whenever it  
2 is finally terminated they would have to address  
3 this and clean it up at that time, which may be --  
4 may be years down the road. Very possible.

5 As for the matter of they move it from  
6 one part of the protected area to another part of  
7 the protected area, again, we would have to look at  
8 the particular circumstances with regard to what  
9 they -- what they intend to do with it. And I will  
10 give you a couple examples. For example, they want  
11 to move it from one part to another part with the  
12 intent of never going back and leaving it -- you  
13 know, just leaving it there and never doing anything  
14 more with it, that may be construed 2002 disposal,  
15 and we may have to evaluate that.

16 If their plan is to move it from point A  
17 to point B and let's store it there to be addressed  
18 later on, they -- they may not need a 2002. But we  
19 would have to look at the particular circumstances  
20 with that when we -- when we evaluate it. So  
21 hopefully that answers your question.

22 MS. EDWARDS: Yes, I think it does.  
23 Basically you're saying to consult you and get an  
24 opinion on whether it is required or not.

25 MR. WHITE: Always a good idea.

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1 MS. LOPAS: All right, thank you, Lisa.  
2 Hey, Melinda, do we have anybody else on the line?

3 OPERATOR: Thank you, we do have Steve  
4 Garry. Your line is open, sir.

5 MS. LOPAS: There he is, Steve.

6 MR. GARRY: Okay. Yes, great. Yes,  
7 this is Steve Garry from NRR. This question has  
8 come up before. We have taken it basically to the  
9 Commission with the question related to prompt  
10 remediation -- where the licensees are required to  
11 promptly remove any contamination. And after much  
12 deliberation the Commission recognized that the  
13 removal of the requirements -- to remove soil that  
14 was contaminated immediately or promptly after a  
15 spill or a leak, may not be a safe alternative  
16 because of the underground cabling, wiring and so  
17 forth -- safety-related structures underneath the  
18 nuclear power plant.

19 The industry has put together a  
20 voluntary initiative to look at when we need to  
21 remediate soil. But the original question was could  
22 they put grass over the contaminated soil and leave  
23 it? And the answer to that is yes, they can, but  
24 they need to identify that contamination as part of  
25 their radiological surveys and keep a record of

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1 where that radioactive material is, and put it in  
2 your decommissioning files. Because at the time of  
3 decommissioning, that will be reevaluated. And that  
4 way they will have a record of where it is and what  
5 it is and how much it is so that it can be promptly  
6 -- I mean, properly evaluated and -- as part of the  
7 site decommissioning and site release it has to be  
8 accounted for.

9 MS. LOPAS: Okay, thank you Steve.

10 MR. GARRY: But they can -- but they can  
11 -- but the key point is that they identify it and  
12 they put it in their records system so that we know  
13 where it is and we know that it has to be  
14 reevaluated at the time of decommissioning.

15 MR. WHITE: Steve, this is Duncan. Is  
16 the licensee required to notify the NRC this is  
17 happening?

18 MR. GARRY: No. But they are required  
19 to keep records that get inspected by the inspectors  
20 when they do their routine inspections.

21 MR. WHITE: Yes, sir.

22 MS. LOPAS: Okay. Thank you, Steve.  
23 All right, to ask a question or make a comment, go  
24 ahead and press star 1 on your phone, or you can  
25 submit a question by the webinar software. Melinda,

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1 is there anybody else on the line?

2 OPERATOR: Next question is from Betsy  
3 Ansel. Your line is open.

4 MS. LOPAS: Hello.

5 MS. ANSEL: Hello. Thank you. My  
6 question is very similar to Lisa Edwards and the one  
7 Steve Garry just responded to. So I guess I am  
8 hearing that it's -- if the material will be  
9 evaluated at the time of decommissioning and the  
10 material is likely to be less than the  
11 decommissioning criteria -- whatever that happens to  
12 be, whether it is 25 or 10 or some number less than  
13 that -- then it can be left in place with good  
14 documentation? Or, it can be perhaps moved to  
15 another part of your site with good documentation.  
16 It -- it -- am I correct in hearing that?

17 (Pause.)

18 MS. LOPAS: Yes, it could be left in  
19 place with good documentation. And clarification on  
20 moving it?

21 MR. WHITE: Yes. And moving it --  
22 Duncan White again. As Mr. Garry just pointed out a  
23 couple minutes ago, he made very clear that they  
24 have to be surveyed to keep record -- from their  
25 records we will track -- you know, track all of it -

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1 - information regarding the material.

2 MS. ANSEL: Okay, so will that  
3 clarification be available to us in this procedure?

4 MR. WHITE: No, this --

5 MS. LOPAS: All right, hang on one  
6 second.

7 (Pause.)

8 MR. SUBER: Okay, yes. This is Gregory  
9 Suber again. Yes, that -- no, the clarification  
10 won't be made in this guidance document. That's  
11 outside the scope of this disposal -- 20.2002  
12 disposal in that it has more to do with proper  
13 remediation of soil and contamination at a -- at a  
14 licensed facility. So it is not going to be covered  
15 in 20.2002.

16 MS. ANSEL: Okay, I was taking it to  
17 mean when do you absolutely have to apply for  
18 20.2002. To me there's some gray area in there.  
19 Because they're -- as your guidance document says on  
20 page 7 -- it says such as burial on a land -- a  
21 licensee's site.

22 MS. LOPAS: Okay.

23 MR. SUBER: So like I said with the --  
24 this is Gregory Suber again. How do you define  
25 burial on a licensee site? Burial on a licensee

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1 site is -- is not the same as leaving something in  
2 place. Right? So if you are burying it on a  
3 licensee site -- if you are taking it and you are  
4 disposing of it on site, then that will require a  
5 20.2002. If you're leaving it in place, then you  
6 are outside the scope of this particular document.  
7 Is that not clear?

8 MS. LOPAS: Betsy, we might -- this  
9 might be a good comment to submit on the document so  
10 you can, you know, spell out the exact, you know,  
11 situation you are talking about and where the NRC  
12 may or may not need to clarify their regulations.  
13 And maybe in our response to you we can then point  
14 you to where and the proper mediation reg. You know  
15 -- what you're talking about. Does that sound good?

16 MS. ANSEL: Yes, I will do that. I will  
17 write it out. You know, because any of these burial  
18 sites onsite -- on a licensee site would still have  
19 to be considered at the time of -- of license  
20 termination. And that's clear in -- in whatever, 14  
21 -- NUREG 14-27. Is it?

22 MR. SUBER: 14-02?

23 MS. ANSEL: I am not -- I am not getting  
24 the number right on.

25 MR. SUBER: So this is Gregory Suber

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1 again. So when I asked was that not clear in the  
2 guidance document, what I meant to say is thank you,  
3 that's a very good comment.

4 (Laughter.)

5 MR. SUBER: If you would submit that  
6 formally so that we can address it in the guidance  
7 document.

8 MS. ANSEL: Okay, I will do that. All  
9 right, thank you.

10 MS. LOPAS: Thank you, Betsy. Okay  
11 press start one if you have any questions.

12 (Pause.)

13 MS. LOPAS: All right, Melinda, is there  
14 anybody else on the line?

15 OPERATOR: Thank you, currently two  
16 questions showing. With the next one is from Dan  
17 Shrum. Your line is open.

18 MS. LOPAS: Hello, Dan.

19 MR. SHRUM: Thank you. Sorry for the  
20 background noise. I have got the same comment that  
21 was just made. So that grade is not -- it is not  
22 really clear, but it is stated. On page 27 it  
23 states for onsite disposal, not exemption is needed  
24 because it will remain under the existing license.  
25 When the license has been terminated the dose

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1 associated with -- da, da, da, da, da -- will be  
2 evaluated at that time. And then on page seven  
3 there's a little discussion about burial and  
4 disposal. And it gives the impression that you may  
5 need a 20.2002 at that time. So maybe a little plot  
6 going into that would be appreciated. Thanks.

7 MS. LOPAS: Okay. That's a good  
8 comment, thank you. All right, Melinda, who do we  
9 have next?

10 OPERATOR: Next question from Lisa  
11 Edwards. Your line is open.

12 MS. EDWARDS: Thank you, but mine has  
13 already been covered in the previous comments and  
14 questions.

15 MS. LOPAS: Excellent, all right. All  
16 right, reminder to press start one or submit a  
17 question through the webinar. Melinda, just let us  
18 know when you have somebody on the line.

19 (Pause.)

20 MS. LOPAS: All right, everybody.  
21 Melinda, we have anybody else on the line?

22 OPERATOR: Showing no questions at this  
23 time.

24 MS. LOPAS: Last call for questions,  
25 then -- at least, for this forum. I do want

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1 everybody to remember that, you know, comments -- we  
2 need comments officially submitted on the docket.  
3 You can do that by regulations.gov, or you can do  
4 that by mail. I left the slide up here that shows  
5 you, you know, how you can submit comments  
6 electronically. And it provides Robert's contact  
7 information as well. So if you have any questions  
8 about submitting those comments, it's -- please  
9 don't hesitate to contact him. The -- I see one  
10 more question here, but I just want to finish my  
11 thought here. You know, they are due by the 18th of  
12 December.

13 I will note that we will send out a link  
14 to these slides via -- you'll get like a -- a thank  
15 you message from GoToWebinar. I will ensure that  
16 that message includes a link, so that you guys can  
17 access these slides online. So I have one question  
18 here. This says how does this guidance relate to  
19 30.70, Schedule A, Exempt Concentrations?

20 (Pause.)

21 MR. GLADNEY: It doesn't.

22 (Laughter.)

23 MR. GLADNEY: Robert Gladney -- this is  
24 Robert Gladney. It doesn't.

25 MS. LOPAS: It does not relate to 30.70,

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1 Schedule A exemptions -- Exempt Concentration. So  
2 hopefully that answer will suffice, Mark. All  
3 right, any other questions? Melinda, anybody else  
4 on the line?

5 OPERATOR: We do have one question from  
6 Larry Miller. Your line is open, sir.

7 MS. LOPAS: Hello, Larry.

8 MR. MILLER: Hello. I have a question  
9 regarding the -- does the draft guidance address  
10 background radiation such as caesium-137 that's  
11 produced by nuclear weapons testing?

12 (Pause.)

13 MR. MILLER: This is with regards to,  
14 you know, the release transfer or onsite disposal of  
15 the soil and sediment.

16 MR. WHITE: This is Duncan White. The -  
17 - it does not. If it is naturally occurring  
18 material such as fallout -- because it's not  
19 regulated, therefore the requirements from 20.2002  
20 do not apply.

21 MR. MILLER: I understand that it  
22 doesn't even apply. Thank you.

23 MS. LOPAS: Thank you. Melinda, anybody  
24 else on the line?

25 OPERATOR: No further questions.

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1 MS. LOPAS: Okay. I think with that I  
2 am going to conclude the webinar. So, thank you all  
3 very much for your participation and be on the  
4 lookout for an email from us with the slides. And  
5 make sure to get your comments in. Thank you all.  
6 Good afternoon.

7 (Whereupon, the above-entitled matter  
8 went off the record at 2:00 p.m.)

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