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State Public Health Officer & Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

Information Notice 17-01

To: Radioactive Materials Licensees in Possession of Sealed Sources

Subject: Disused Sealed Source Disposal

In response to the September 2001 terrorist attacks, various Federal, State, and other Agencies, including California, have attempted to minimize the potential for use of radioactive materials in future terrorist acts. One focus of this activity has been to minimize the availability of sealed sources currently not in use (disused sources). It is estimated that there are tens of thousands of sealed sources within the United States that are in a disused status which may make them more vulnerable to access by terrorists. There are efforts underway currently at the Federal and State levels to securely and safely dispose of disused sources. This Notice is to inform California licensees in possession of such sources of the desirability of taking timely action to legally dispose of disused sources to minimize their potential for use in terrorist attacks. For further information concerning the threats posed by disused sources, see the [Report of the Disused Sources Working Group](http://www.disusedsources.org/wp-content/uploads/2014/12/DSWG-Report-March-2014.pdf) at www.disusedsources.org/wp-content/uploads/2014/12/DSWG-Report-March-2014.pdf. Also, see two additional educational DSWG brochures at www.swllrwcc.org under Resources then Reading Room.

The Nuclear Regulatory Commission (NRC) and most states, including California, have adopted regulations to restrict possession of certain disused sources to periods not exceeding two years with exceptions allowed under specified circumstances. While these current regulations only apply to sources possessed under the general license specified in 10 CFR 31.5, at least one State (Texas) has adopted similar regulations that apply to sources possessed by specific licensees such as those receiving this Information Notice. It is likely that similar regulations impacting specific licenses will be enacted by additional States in the future.

Currently, there are two nationwide programs in effect that assist with the disposal of disused sources: the Off-site Source Recovery Project (OSRP) sponsored by the National Nuclear Security Administration (NNSA) Office of Global Threat Reduction, and the Source Collection and Threat Reduction (SCATR) program administered by the Conference of Radiation Control Program Directors (CRCPD). The OSRP program is potentially less costly to licensees if the disused sources in question qualify for this program. More information on this program is available at <https://osrp.lanl.gov>.

The SCATR program is a disposal cost sharing program for disused sources it accepts. Currently, the SCATR program pays for 40% of an accepted disused source's disposal costs. More information on this program is available at <http://www.crcpd.org> (go to Environmental, then SCATR Program).

In addition to disposal of disused sources as low level radioactive waste (LLRW), sometimes the original vendor or manufacturer of disused sources will allow return of sources, or another specific licensee may be interested in obtaining sources for their use. It is important to note that any transfer of sources for disposal at a Low Level Radioactive Waste disposal facility requires the owner of such waste to petition the Southwestern Low-Level Radioactive Waste Commission (SWLLRWC) to export such waste out of the SWLLRW Compact (California, Arizona, North Dakota, and South Dakota). This Compact petition requirement includes situations in which the source was originally transferred for reuse, whether to the original vendor or manufacturer or to other licensees, but instead of reusing the source, the source is subsequently sent to a LLRW disposal facility.

More information concerning export of LLRW out of the SWLLRW Compact is available in the enclosed California Department of Public Health, Radiologic Health Branch Information Notice 13-01, dated June 24, 2013, and on the [SWLLRWCC web site](http://www.swllrwcc.org) www.swllrwcc.org (go to About then Exportation Policy and Requirements, go to Resources then Reading Room, and go to Contact).

Sincerely,

Signature on file

Gonzalo L. Perez
Radiologic Health Branch
California Department of Public Health

Enclosure: California Department of Public Health, Radiologic Health Branch
Information Notice 13-01



SONIA Y. ANGELL, MD, MPH
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INFORMATION NOTICE 13-01

To: ALL CALIFORNIA GENERATORS OF LOW-LEVEL RADIOACTIVE WASTE

Subject: MANDATORY EXPORT PETITIONS AND DISPOSAL REPORTS FOR DISPOSAL OF RADIOACTIVE WASTE (LLRW)

The California Department of Public Health's Radiologic Health Branch has recently been advised that some of this State's generators of Low-Level Radioactive Waste (LLRW) have not been complying with certain laws governing the disposal of LLRW outside of California. The purpose of this notice is to remind LLRW generators of the need to submit a petition to the Southwestern Low-Level Radioactive Waste Compact Commission (SWLLRWCC) for an export permit, prior to shipping LLRW outside of this State. This notice is also to remind LLRW generators of the need to file a follow-up disposal report with the SWLLRWCC after out-of-state LLRW disposal.

The SWLLRWCC's authority is based on both Federal law (Public Law 100-712) and State law (California Health and Safety Code section 115255). The Commission is responsible for ensuring that LLRW is safely disposed of and managed within the compact region. Export Petitions and Follow-up Disposal Reports are mandatory (i.e., legally required). The petitions and reports allow the Commission to verify that all LLRW shipped out of Compact boundaries has in fact been shipped to an authorized processor or disposal facility. This includes all shipments of sealed sources.

Regarding the export of LLRW out of the state, Article 3, sub article (G)(20), of both the above-cited laws states: "The Commission may, upon petition, allow an individual generator, a group of generators, or the host state of the Compact, to export LLRW to a low-level radioactive waste disposal facility located outside the compact region. The Commission may approve the petition only by a two-thirds vote of the Commission. The permission to export LLRW shall be effective for that period of time and for the amount of LLRW, and subject to any other term or condition, which may be determined by the Commission."

Absent Commission approval of an export petition, California-generated LLRW may not be shipped outside the State for processing or disposal. This provision is being violated by some California generators. In those cases where the SWLLRWCC. has evidence of

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intentional violation, such violation may be referred to the office of California Attorney General. Such violations may also result in the SWLLRWCC prohibiting the violator from receiving an approved petition for additional shipments in future years. Furthermore; non-compliance will result in the notification by the SWLLRWCC to all processors, authorized disposal facilities, and the U. S. Nuclear Regulatory Commission (NRC), of a generator's violation of Compact law.

For contact and additional information, the recipient is directed to the [SWLLRWCC Web site](http://www.swllrwcc.org): www.swllrwcc.org. See Exportation Policy, Requirements in the Bylaws and Petition Forms.

Sincerely,

Signature on file

Gonzalo L. Perez, Chief
Radiologic Health Branch
CA Department of Public Health