

EDO Principal Correspondence Control

FROM: DUE: 01/12/01

EDO CONTROL: G20000583  
DOC DT: 12/20/00  
FINAL REPLY:

Bruce J. Campbell  
FEMA

TO:

William Travers

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO:

EDO

DESC:

FEMA Request for Exemption from NRC to Ship  
CDV-794 Calibrators

ROUTING:

Travers  
Paperiello  
Miraglia  
Norry  
Craig  
Lohaus, STP  
Cyr/Burns

DATE: 12/26/00

ASSIGNED TO:

NMSS

CONTACT:

Kane

SPECIAL INSTRUCTIONS OR REMARKS:

*Template EDO-01*

*E-Ride EDO-01*



# Federal Emergency Management Agency

Washington, D.C. 20472

December 20, 2000

William D. Travers  
Executive Director for Operations  
1 White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Dear Mr. Travers:

I am contacting you at this time to bring to your attention an important matter involving the Federal Emergency Management Agency's (FEMA) request for an exemption from the Nuclear Regulatory Commission (NRC) to ship CDV-794 calibrators and to solicit your assistance in expediting the processing of this request through the Commission.

These calibrators are currently located in both State and Federal facilities throughout the continental United States (CONUS) and with a State organization in Hawaii and are no longer needed to support State and Federal preparedness radiological programs. It is critical that FEMA obtain this exemption to assure that the remaining calibrators currently residing in seven State facilities are removed, shipped and disposed of as quickly as possible. In six of the involved State organizations, the States have terminated the radiological programs for which the calibrators were used. Thus, it is critical that the calibrators be removed to preclude public and health and safety issues.

FEMA and its predecessor agencies have made more than 240 shipments of this type of calibrator from 1981 to the present under a United States Department of Transportation (USDOT) exemption within CONUS and between the States and some of the US Territories. Since 1981, the use of a USDOT exemption without a parallel exemption from the NRC was agreed to by both the USDOT and the Commission under the terms of a memorandum of agreement between the USDOT and the NRC. For all of these shipments, there were no incidents, accidents or violations of USDOT regulations. FEMA has used a custom-designed, wooden overpack to ship these calibrators since 1981; this type of packaging does not meet the regulatory conditions of 10 CFR Part 71 which is why FEMA has applied for and used the USDOT exemption.

In June of 1999, FEMA was notified by the NRC that this arrangement was not satisfactory and that FEMA would need to formally request an exemption under 10 CFR Part 71 from the Commission to ship these calibrators. A meeting was held on June 17, 1999, at the USDOT in which this matter was discussed; attendees at this meeting included NRC, USDOT, FEMA and US Army staff under contract with FEMA. FEMA formally submitted a request to the Commission on July 21, 1999, for

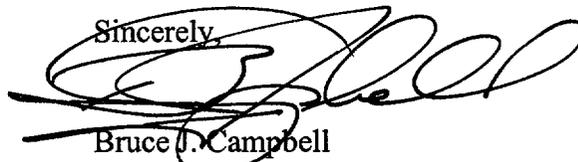
an exemption to ship these calibrators. At the request of the NRC, FEMA provided additional information on the status of the calibrators and FEMA's plan to ship these calibrators on February 8, 2000. On June 6, 2000, the NRC requested that FEMA submit an Environmental Report (ER) to address compliance with 10 CFR 51.30 (a)(1)(2) and 10 CFR 51.60. FEMA developed and submitted an ER to the Commission on September 5, 2000. At the invitation of NRC, FEMA met with NRC staff on October 10, 2000, to discuss the Agency's exemption request. NRC staff indicated that one additional set of information was required from FEMA to support its exemption request. The information needed is a technical analysis of FEMA's compliance or non-compliance with the test criteria established for Type B packaging as set forth in 10 CFR Part 71. We are forwarding this information at this time to the Commission.

The change in policy initiated in June 1999 by the NRC places FEMA in a difficult budgetary situation today. Since it takes two years to obtain our fiscal year budget, our funding request for the shipment and disposal of radioactive sources was premised on the continued use of our USDOT exemption which is still current. Thus, the Agency FY2001 funding which has been appropriated and authorized by the Congress is based on projected cost estimates developed prior to June 1999. Because we have already developed and manufactured many non-Type packagings for these calibrators, we would need to obtain Type B packaging through contract services if our exemption request is denied by the Commission. Thus, FEMA anticipates a significant budgetary shortfall if our exemption request is denied. Finally, the Agency simply cannot wait another two years to request and obtain additional funding for the removal, shipment and disposal of these calibrators.

As you can see, FEMA has been responding to NRC requests for information since June of 1999; 18 months later, we still have not received a response from the Commission on this request even though we have successfully sold our FY2001 budget request to complement these actions through the Office of Management and Budget and the Congress. We are hopeful that with the submission of our technical report, the Commission can reach a prompt decision on this matter so we can execute and optimize our FY2001 budget. The specific NRC staff person with whom we have been working with on this matter is Mr. Stephen Baggett (Spent Fuel Project Office). If I can be of any assistance to you in expediting the FEMA exemption request, I can be reached at 202-646-2965.

Thank you for your attention to this matter.

Sincerely,



Bruce J. Campbell  
Executive Associate Director  
Federal Emergency Management Agency

FEDERAL EMERGENCY MANAGEMENT AGENCY  
WASHINGTON, D.C. 20472

OFFICIAL BUSINESS

OS

Mr. William D. Tavers  
Executive Director for Operations  
1 White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Label - 6