

REQUESTING EMERGENCY ACCEPTANCE OF RADIOACTIVE MATERIAL BY THE U.S. DEPARTMENT OF ENERGY (DOE)

1303-01 PURPOSE

To establish procedures for regional and headquarters staffs to request emergency assistance from the U.S. Department of Energy (DOE) in retrieving and storing certain inadequately-controlled, radioactive materials.

1303-02 OBJECTIVE

02.01 To ensure that requests for DOE emergency assistance are in accordance with the memorandum of understanding (MOU), dated June 18, 1999, between the NRC Office of Nuclear Material Safety and Safeguards (NMSS) and the DOE Office of Waste Management, concerning the management of sealed sources.

02.02 To ensure that requests for DOE emergency assistance applicable to this manual chapter (MC) are in accordance with applicable guidance, receive prompt and appropriate follow-up, and are properly documented.

1303-03 APPLICABILITY

This MC applies to NMSS, the Office of State and Tribal Programs (OSTP), and the NRC regional offices. This MC is not applicable to incidents that are outside the scope of MC 1301, "Response to Radioactive Material Incidents that do not Require Activation of the U.S. Nuclear Regulatory Commission Incident Response Plan." Radioactive material that is not covered under the Atomic Energy Act of 1954, as amended (AEA) is not applicable to this MC, unless the material is not separable from AEA material for which DOE assistance is also being requested. This MC is applicable to inadequately-controlled radioactive material, at licensed or unlicensed facilities, that requires prompt removal to ensure adequate protection of the public health and safety. Only incidents and materials described in the June 18, 1999, MOU between NRC and DOE are applicable to this MC.

1303-04 DEFINITIONS

04.01 Inadequately-Controlled Radioactive Material. Byproduct, source or special nuclear material in the possession of a person who is not authorized by a license, issued by the NRC or an Agreement State, to possess the material. Examples of inadequately-

controlled radioactive material include abandoned sources and material in the possession of non-licensees, such as members of the public.

04.02 Emergency Situation. For the purpose of requesting emergency acceptance by DOE, an emergency situation is a situation that is causing, or has a high potential to cause, a significant health and safety risk to members of the public. An emergency situation under this manual chapter differs from an emergency incident as defined in MC 1301 in that an emergency situation may not require activation of the NRC Incident Response Plan in Management Directive (MD) 8.2.

1303-05 RESPONSIBILITIES AND AUTHORITIES

The responsibilities and authorities discussed below are in addition to, and do not lessen or replace the responsibilities and authorities in MC 1301.

05.01 Director, Office of State and Tribal Programs. Coordinates requests for DOE emergency assistance and applicable follow-up activities with State, local, and Indian Tribe organizations.

05.02 Regional Administrators

- a. Prepare requests for DOE emergency assistance in accordance with policy guidance established by NMSS, and refer questions on policy matters to NMSS for resolution.
- b. Assign a regional point-of-contact for coordination of requests for DOE emergency retrieval of radioactive material.

05.03 Director, Division of Industrial and Medical Nuclear Safety (IMNS)

- a. Reviews and approves all requests for DOE emergency acceptance of radioactive material, and forwards the requests and supporting information to DOE.
- b. Develops policy guidance for the Headquarters and regional staffs who prepare requests for DOE emergency acceptance of licensed material, and develops and administers the program for NRC follow-up actions to these requests.

05.04 Chief, Materials Safety and Inspection Branch (MSIB)

- a. Receives and coordinates requests for DOE emergency acceptance of radioactive material in accordance with this MC.
- b. Determines whether requests for DOE emergency assistance: 1) are in accordance with applicable guidance; 2) meet the criteria specified in this MC and the June 18, 1999, MOU between NRC and DOE; 3) require additional supporting information or follow-up; and 4) can be forwarded to DOE for action.
- c. Prepares letters requesting DOE emergency acceptance of radioactive material, for signature by the Director, IMNS.

- d. Prepares requests for DOE emergency assistance when the incident involves material in an Agreement State, or when NRC management decide the incident would be better handled by Headquarters to ensure a coordinated response among the various parties involved (e.g., requests involving several regional offices, other Federal Agencies, or international entities). Assigns a point-of-contact for coordination of IMNS initiated requests for DOE emergency assistance with radioactive material.

05.05 Director, Office of International Programs (OIP). Coordinates with the U.S. State Department, International Atomic Energy Agency, foreign governments, and other international groups, and acts as the interface for the international aspects of requests involving international entities or having international implications.

05.06 Director, Spent Fuel Project Office (SFPO), NMSS. Provides assistance with issues involving the transportation of radioactive materials.

1303-06 BASIC REQUIREMENTS

06.01 General Guidance

- a. Guidance for immediate response actions are contained in MD 8.2, "NRC Incident Response Plan," and IMC 1301, "Response to Radioactive Material Incidents That Do Not Require Activation of the NRC Incident Response Plan."
- b. Incidents and materials applicable to this MC are described in the June 18, 1999, MOU between NRC and DOE. In general, this procedure is intended for situations involving discrete sources at a single location, or locations that are closely related geographically or functionally. As specified in the MOU, other situations and materials will be evaluated on a case-by-case basis. Situations or materials outside the conditions of the MOU should be discussed with MSIB before a formal request is prepared. For such cases, a preliminary determination of acceptability will be made either based on previous case histories, or following consultation with DOE.
- c. Inadequately-controlled radioactive material traceable to a DOE facility or prime contractor will not normally require a request under this MC. These materials will typically be accepted by DOE in response to requests made directly from the State.
- d. NRC shall always make the initial request to DOE for emergency acceptance of material licensed by NRC or an Agreement State. Agreement States should not make requests for emergency assistance, applicable to this MC, directly to DOE.

06.02 Requesting Emergency Acceptance by DOE

- a. Regions and Agreement States considering requesting DOE emergency assistance may contact the Chief, MSIB, or the Orphan Source Project Manager in MSIB, Section B. Formal requests from the regions shall be submitted to the

Chief, MSIB. Agreement States shall contact OSTP prior to submitting a formal request. OSTP will coordinate the request with MSIB.

- b. Regions and Agreement States must provide the following information for MSIB to evaluate DOE emergency assistance requests: 1) a brief description of the incident, the current status, and a summary chronology of events leading up to the request; 2) the immediate health and safety threat posed by the material; 3) results of actions taken to identify a responsible licensee and provide for the disposal of the material; and 4) the information outlined in Exhibit 1. Additional information, such as the certification in Exhibit 2, may also be needed for DOE to properly respond to the request.
- c. When all the above information is received by MSIB, and determined to be sufficient to request DOE assistance, MSIB personnel shall prepare a letter to the DOE Deputy Assistant Secretary for Waste Management, requesting that DOE accept management of the material, and forwarding a summary of the information listed above.
- d. All requests for DOE emergency acceptance of radioactive material shall be signed by the Director, IMNS/NMSS, or an alternate designated official.

06.03 Coordination and Follow-up

- a. The DOE Office of Waste Management will contact the appropriate DOE National Laboratory, regional office, facility, or DOE contractor to arrange for the management of the material. DOE staff or contract representative(s) from the applicable facility will work directly with the designated Region/State point-of-contact and the facility in which the material is located to make detailed arrangements for the pick-up.
- b. After acceptance by DOE, the Region/State point-of-contact shall document the chronology of events including dates and times, ultimate disposition of the material, names of individuals involved (including any individuals associated with the pick-up by DOE), and any other pertinent information. This chronology is to be sent to the Chief, MSIB. Agreement States should also submit a copy to OTSP.

END

Exhibits:

- 1. Information to be provided to MSIB for DOE requests.
- 2. Certification for transfer of title.

EXHIBIT 1

INFORMATION TO BE PROVIDED TO MSIB/NMSS FOR DOE REQUESTS

General:

Region Office (RI, RII, RIII, RIV) or State: _____

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Point-of-Contact: _____ Phone: (____) _____ - _____

-

Possessor's Name (Company or Individual): _____

Contact Name (possessor): _____ Phone: (____) _____ - _____

-

Possessor's Address: _____

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Fax: (____) _____ - _____ City: _____ State: _____ Zip: _____ - _____

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Exact location of material (address, if different than above, and location within facility):

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Describe the current security of the material (e.g., in a locked room, file cabinet, etc.):

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Description: Include as much information as possible for each discrete source or device. Attach additional sheets as necessary.

	Form of Material (ceramic matrix, pellets, etc.)	Nuclide	Activity (units)	Assay Date
1				
2				
3				

Provide the waste classification of the material in accordance with 10 CFR 61.55: _____
[The Branch Technical Position (BTP) on Waste Concentration Averaging should be considered when determining the waste classification (contact LLDP/NMSS for a copy of the BTP)]

Additional Notes:

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Regional Reviewer: _____ Date: _____

IMPORTANT: IF THE MATERIAL IS POSSESSED BY A LICENSEE NO LONGER ABLE TO ADEQUATELY CONTROL IT, YOU MUST ATTACH A COPY OF THE LICENSE LISTING THE MATERIAL.

Exhibit 2

Region/State POC: _____ Possessor: _____

For devices, provide the weight (in pounds or kilograms) of any depleted uranium used as shielding: ____ lbs / kg (circle appropriate units).

For Neutron Sources, provide Target Element [e.g., Beryllium (Be)]: _____

If the material is possessed by a licensee that will provide for the transport of the material to DOE, provide a description of the approved transportation package and any special handling tools necessary to remove the material from the transport package.

A. Device Containing a Sealed Source: Information must be provided for each device. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. Complete Section B for the sealed source. Attach additional sheets as necessary.

Device Manufacturer: _____

Device Model Number: _____

Device Serial Number: _____

SSD Device Registration Certificate Number (if known): __ - ____ - D - ____ - _

Date of manufacture or age of device (if known): _____

Weight of device (including any DU shielding): _____ Units (circle appropriate unit): lbs / kg

Physical dimensions of device: _____

Device condition: Damaged: ____ Intact: ____ Contaminated (isotope): ____

B. Sealed Source: Information must be provided for each source. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. Attach additional sheets, as necessary.

Is this sealed source associated with the device above? Yes ____ No ____

Sealed Source Manufacturer: _____

Sealed Source Model Number: _____

Sealed Source Serial Number: _____

SSD Source Registration Certificate Number (if known): __ - ____ - - ____ - _

Physical Dimensions of source/source holder: _____

Date of manufacture or age of source (if known): _____

Source condition: Leaking: _____ Damaged: _____ Intact: _____

Attach most recent leak test results (within last 6 months), if available.

EXHIBIT 2

The owner of the material should make the following certification (including the warning statement) in a letter.

I, the undersigned, certify the transfer of ownership to the U.S. Department of Energy (DOE) of [clearly identify material], and assert that the radioactive material has not been acquired solely to make it eligible for acceptance by the DOE.

I certify that this application is prepared in conformity with Title 10, Code of Federal Regulations, Parts [list applicable parts, i.e., 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70] and that all information, contained herein, is true and correct to the best of my knowledge and belief.

SIGNATURE OF CERTIFYING OFFICER

DATE

NAME (TYPE OR PRINT)

TITLE

WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat.749 makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

END