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RECORD #153

TITLE: Lost or Stolen Radioactive Sources Involved in  
Transportation

FICHE: 68579-249

INSPECTION AND ENFORCEMENT MANUAL

SSINS:  
FFMSI: 9320  
9196

INTERPRETIVE GUIDE

SUBJECT: LOST OR STOLEN RADIOACTIVE SOURCES INVOLVED IN TRANSPORTATION

A. PURPOSE AND BACKGROUND

To provide guidance with respect to transportation of radioactive materials and whether reports to NRC and followup by NRC are required for sources lost during transportation.

B. APPLICABILITY

This guidance applies to shipments of radioactive materials delivered to a common carrier for transport. It does not apply to licensee private shipments such as well logging or radiography programs involving shipments by licensees.

C. EXPLANATION

1. Section 20.402 of the Commission's regulations requires that a licensee make a report to the Commission immediately after the occurrence of certain losses and thefts of licensed material becomes known to the licensee. This regulation could be interpreted as requiring the licensee-shipper to make the report upon notice of the loss or theft. The report would not be required of the licensee-shipper if the transfer to the licensee-receiver had occurred at place of shipment (FOB-shipment) but would be required if the transfer to the licensee-receiver had occurred at place of receipt (FOBreceipt). On the other hand, this requirement could be interpreted to mean that the licensee must only make the required report if the material was in the actual possession of the licensee when lost or stolen. 1/
2. The matter is further clouded by the Memorandum of Understanding between the Department of Transportation and NRC dated June 22, 1979. Under that agreement NRC will require its licensees to make reports if the reportable event "occurs prior to delivery to a carrier for transport or after delivery to a receiver." (Section V.B.) The Department of Transportation will require carriers subject to its jurisdiction to make reports to DOT if the reportable event "occurs in transit." (Section V.A.) However, the term "reportable

1/ Section 20.402(a) uses the phrase "after its occurrence becomes known to the licensee." This may suggest that something different than actual possession was intended. It could also suggest that adequate time for the evaluation was intended to be provided.

event" within DOT is clarified in DOT regulations, Section 49 CFR 171.15 and 171.16. These events include "fire, breakage, spillage, or suspected radioactive contamination" but do not include lost, stolen, mislaid or waylaid shipments. Accordingly, in view of the ambiguity in 10 CFR 20.402 and the meaning of reportable event within DOT regulations, a licensee should not be cited for violating 10 CFR 20.402 in circumstances where license material has been delivered to a carrier and then lost, stolen, misplaced, misrouted or otherwise unaccounted for.

3. Because carriers are exempt from NRC regulations, there is no obligation for regional manpower to be used to assist in locating waylaid shipments, whether lost or stolen, or to put pressure on carriers to locate such shipments. However, if it is known that a serious health and safety problem does exist, one or all of representatives from either IE, DOT, States, licensee-shippers should become involved in the interest of public health and safety. The events of interest would be those set forth in 49 CFR 171.15 and 171.16 as well as high radiation levels. In addition, while extremely rare, stolen sources should be followed up in the interest of public health and safety.

If a report is received of "lost" radioactive material in transit by common carrier, licensees should be encouraged to place a tracer on the shipment; IE need not become further involved.

D. COORDINATION

This guidance has the concurrences of OELD (J. Lieberman and Eric Jakel).

E. REFERENCES

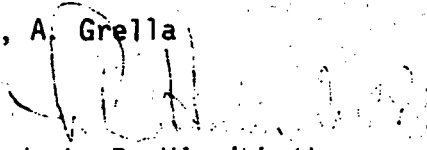
Memorandum of Understanding between DOT and NRC dated June 22, 1979; DOT regulations subsections 49 CFR 171.15 and 171.16.

F. SUPERSESION

None

G. CONTACT

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