National Aeronautics and Space Administration

George C, Marshall Space Flight Center
Michoud Assembly Facility
13800 Old Gentilly Road
New Orleans, LA 70129

June 10, 2019

Reply to Attn of:

TO: Jason Von Ehr, Health Physicist
US Nuclear Regulatory Commission, Region IV
1600 East Lamar Boulevard
Arlington TX 76011-4511

SUBJECT: MAF Radioactive Materials License

ATTACHMENT: Email on May 28, 2019

In response to the Nuclear Regulatory Commission (NRC) email dated May 16, 2019, the National Aeronautic and Space Administrator (NASA) Michoud Assembly Facility (MAF) is responding to the following questions:

1. Who possesses the license for the radioactive material at MAF?
2. Which of the three options the NRC has presented would NASA like to exercise to comply with NRC radioactive material licensing rules?

First, NASA at MAF is responsible licensee for the MAF radioactive material as demonstrated by the possession of and listing on our Louisiana Department of Environmental Quality (LDEQ) radioactive material license LA-2913-L01A. Mr. Chris Cambre is the responsible Federal employee and Mr. Sam Engelhard is the NASA designated MAF Radiation Safety Officer (RSO).

Second, NASA at MAF has determined that our NASA Space Flight mission work no longer requires us to maintain any radioactive source materials or an associated license. Therefore we are in the process of working on the near term disposal/transfer the Cs-137 radioactive source to a licensed disposal/recycle center. MAF has requested an estimate from Qal-Tek for the Disposal of the referenced source. Based on the quote, MAF plans to utilize Qal-Tek for the Disposal/transfer of Cs-137 source. Upon completion of this activity we will submit the necessary documentation to terminate our license and become a general NRC licensee.

Should you have any questions or comments regarding this NASA Licensee information please contact the MAF Radiation Safety Officer (RSO) Sam Engelhard (720) 552-4325 or the NASA MAF Operations Manager Mr. Keith Savoy (504) 257-3439.

Keith G. Savoy
Manager, NASA MAF Operations Office

Savoy, Keith G. (MAF-AS60)

From: Gurney, Jamie A. (KSC-NOHC)[GREAT SOUTHERN ENGINEERING]
Sent: Thursday, May 30, 2019 9:32 AM
To: Engelhard, Samuel A. (SSC-SACOM)[SYNCOM SPACE SERVICES LLC - Contract]
Subject: FW: NASA and NRC Call on May 16, 2019

Here's the letter

From: VonEhr, Jason <Jason.VonEhr@nrc.gov>
Sent: Tuesday, May 28, 2019 2:32 PM
To: Plaza, Angel L. (JSC-QA000) <angel.l.plaza@nasa.gov>; Gurney, Jamie A. (KSC-NOHC)[GREAT SOUTHERN ENGINEERING] <jamie.a.gurney@nasa.gov>
Cc: Cook, Jackie <Jackie.Cook@nrc.gov>; Silva, Patricia <Patricia.Silva@nrc.gov>
Subject: NASA and NRC Call on May 16, 2019

Mr. Angel Plaza and Ms. Jamie Gurney,

First, my sincerest apologies that this was not transmitted sooner, there was a mix-up in the review of the email.

As we discussed on May 16, 2019 during our phone call, the U.S. Nuclear Regulatory Commission (NRC) has recently discovered the National Aeronautics and Space Administration (NASA) Michoud Assembly Facility (MAF) has a radioactive material's license with the Agreement State of Louisiana. During this phone call, you described your initial understanding, which was that a contractor (namely Lockheed Martin) used to possess the same Louisiana license historically, but following the end of NASA's Space Shuttle Program, NASA apparently took over the license and possession of the radioactive sources. According to a review by the State of Louisiana, it appears NASA acquired the State of Louisiana license in October 2010.

You described your understanding that the remaining NASA centers which possess (licensed) radioactive material are licensed through the NRC.

Ms. Patricia Silva and I further informed you that the NRC needs a definitive determination by NASA on the question of *who possesses* the licensed radioactive material, as possession will define which entity is required to be licensed. We informed you that if the possessor is NASA, or otherwise a federal entity of another sort, that the NRC is the regulator who will control the license and is responsible for oversight. However, if the entity is non-federal, whether commercial, such as a contractor, or state/local government, then the *jurisdiction of the site* will need to be legally determined by your legal counsel. If the site is *exclusive federal jurisdiction*, then the NRC retains regulatory control, regardless of the type of entity. For non-federal entities, if the site is of some other jurisdiction, then the Agreement State of Louisiana will retain regulatory control.

We also informed you that should the determination be made that NASA is the possessor of the radioactive material, that NASA would have, as we currently understand, three options to comply with NRC rules and regulations:

1. Dispose or transfer to an authorized entity the cesium-137 source and become a general NRC licensee. Since the cesium-137 currently on the State of Louisiana license would appear to be the only source requiring a *specific* NRC license, the removal of this source may allow NASA to continue its operations under an NRC general license.
2. Amend an existing NASA NRC license to include the facility as an authorized location of use and ensure MAF's possessed radioactive material(s) are already authorized on the existing NASA license or are included in the amendment request.
3. Apply for a new and independent NRC specific license to cover NASA MAF.

On behalf of NASA, you committed to providing a determination within 30 days from the date of the phone call (June 16, 2019) of the following:

1. If the possessor is NASA (or other federal agency), or a non-federal entity
2. If the possessor is NASA, what actions NASA will take to bring the facility into compliance (see the three options above).

Please note that if the possessor is not NASA, but is a federal entity, the entity will still be under NRC regulatory control, and may have similar options as described above, depending on the circumstances. If the possessor is not NASA nor a federal entity, then the jurisdiction of the land NASA MAF is located will need to be determined, specifically where the sources are stored and used.

If you are unable to provide the determination as requested above by June 16, 2019, please contact us as soon as practical with an alternate date for us to expect your response.

For the sake of timeliness, please submit the determination electronically to myself (Jason.vonehr@nrc.gov) and Ms. Patricia Silva, Chief (Patricia.Silva@nrc.gov), Materials Inspection Branch, Division of Nuclear Materials Safety, NRC Region IV.

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Protecting People and the Environment