

NRC Response to Accidents Occurring During the Transportation of Radioactive Material; General Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: General Statement of Policy.

SUMMARY: The Nuclear Regulatory Commission (NRC) has defined in a general policy statement its role in responding to accidents and incidents related to the transportation of nuclear materials. The purpose of the policy statement is to state clearly the extent of the NRC's participation and involvement in responding to such a transportation accident or incident.

EFFECTIVE DATE: March 29, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. Justin T. Long, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427-4135

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission (NRC), under the Atomic Energy Act of 1954, as amended (42 U.S.C. Chapter 23) and section 201 of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5841), is authorized to license and regulate the receipt, possession, use, and transfer of "byproduct material," "source material," and "special nuclear material" (as defined in 42 U.S.C. 2014). The NRC authority to license air shipment of plutonium is further governed by Pub. L. 94-79. Pertinent NRC regulations are contained in 10 CFR Parts 30, 40, 70, 71, and 73.

The U.S. Department of Transportation (DOT), under the Dangerous Cargo Act (R. S. 4472, as amended, 46 U.S.C. 170), Title VI and 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)), the Department of Transportation Act (49 U.S.C. 101, *et seq.*) and the Hazardous Materials Transportation Act (49 U.S.C. 1801-1812), is required to regulate safety in the transportation of hazardous materials, including radioactive materials. Pertinent DOT regulations are contained in 49 CFR Part 100 to 178.

The roles in regulatory responsibility of NRC and DOT have been delineated in a Memorandum of Understanding (MOU) between the two agencies dated June 8, 1979 (44 FR 38690). The MOU does not define the specific responsibilities of each agency in responding to transportation accidents or incidents. However, in all accidents, incidents, and instances of actual or suspended leakage involving packages of radioactive material regulated by the NRC, the MOU assigns to NRC the responsibility to act as lead agency for investigating the cause of the leakage and preparing a report of the investigation.

The Federal Emergency Management Agency (FEMA) is responsible for preparing a Federal Radiological Emergency Response Plan (FRERP). On December 23, 1980, FEMA published a "Master Plan" for commercial nuclear power plant accidents (45 FR 84910). Development of the FRERP, which is scheduled for completion in 1984, entails revision of the "Master Plan," including its expansion to incorporate provisions for responding to all types of peacetime radiological emergencies including transportation accidents. Availability of planning guidance for developing the FRERP was noticed in the Federal Register on April 28, 1983 (48 FR 18229). The FRERP will be based on the planning guidance and on the results of a Full Field Exercise conducted in the vicinity of the St. Lucie nuclear power plant in March 1984.

The response to transportation accidents is less structured than the radiological emergency response to accidents at licensed sites because of the uncertainties surrounding (1) the location where the accident occurs, (2) the diversity of authority of those who will be responding, and (3) the likely limited radiation knowledge of the first-on-scene responders (who are usually local officials). The states have the primary responsibility for protecting the health and safety of the citizens from public hazards. Recognition of the responsibilities for radiation hazards is reflected by the existence of an appropriately designated state agency chartered with the responsibility of responding to radiological emergencies.

The existing Memorandum of Understanding between the DOT and the NRC (mentioned above) assigns NRC the responsibility for the regulation and certification of shipping containers for fissile materials and for other radioactive materials (other than low specific activity materials) in quantities exceeding Type A limits as defined in 10 CFR Part 71. The MOU assigns DOT the responsibility for regulation of most other aspects of nuclear transportation activities. DOT operates a National Response Center which serves to relay information concerning transportation incidents involving hazardous materials. DOT regulations require a carrier, at the earliest practicable moment, to give notice to the National Response Center after an incident occurs during the course of transportation in which, among other things, fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material. Each notification of a transportation incident of any kind is relayed by the National Response Center to the Regional Office of the Environmental Protection Agency (EPA) for incidents on land or to the U.S. Coast Guard Captain of the Port for incidents in navigable waters. When a reported incident is known to involve radioactive material, notification is also made to the Regional Coordinating Office for Radiological Assistance of the U.S. Department of Energy (DOE) and to the Regional Office of the Nuclear Regulatory Commission. NRC may also become aware of a transportation incident through other channels, such as the shipper, the carrier, or the police or highway patrol.

DOE has stated that DOE's involvement is the maintenance, at about 30 sites, of teams of technically trained nuclear and transportation specialists available to assist states, upon request, by providing desired advice and counsel in areas where states may need assistance. Such teams are highly professional and are equipped to provide analytical and diagnostic support, but not to become involved in cleanup activities. Such teams operate under the DOE Radiological Assistance Program or the Federal Radiological Monitoring and Assessment Plan (DOE coordinated).

The Commission invites all interested persons who desire to submit written

comments or suggestions on this general statement of policy to send them to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Docketing and Service Branch by July 27, 1984.

Consideration will be given to such submissions in connection with possible future revision of the stated policy. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

Statement of NRC Policy

In any accident or incident occurring in connection with the transportation of radioactive material in which a report is required to be sent to the National Response Center by DOT regulations in 49 CFR 171.15, NRC radiation safety assessment actions will consist of the following.

- Call the agency designated by the affected State to respond to transportation accidents involving radioactive materials as soon as practicable to ensure that agency has been informed of the incident. (The State government is responsible for assuming control of the accident scene to protect the health and safety of the public.)
- Offer NRC technical assistance in the form of information, advice, and evaluations to the State at the time the initial notification is made to the appropriate State agency.
- Assure awareness of the incident by the DOE and other affected agencies, including any agencies specifically designated by the Federal Emergency Management Agency.
- Maintain awareness of the situation until normal conditions are restored at the scene of the accident.
- Provide information on packaging characteristics in response to any query regarding NRC-approved packages.
- Respond to requests for information on NRC activities in connection with the event. Requests for specific information on an accident normally will be referred to the appropriate State agency, or to the DOE if the situation relates to DOE activities.
- If the shipper is an NRC licensee, ensure that the shipper provides complete and accurate information concerning the radioactive material and details of the shipment to emergency response personnel.
- In accordance with the NRC-DOT Memorandum of Understanding, act as lead agency for investigating all accidents, incidents, and instances of actual or suspected leakage involving packages of radioactive material regulated by the NRC. Any NRC personnel at the scene of a transportation accident will notify the on-scene coordinator of his or her presence and make clear that, unless

NRC assistance is requested by the on-scene coordinator, NRC activities will be primarily limited to information collection.

- Provide recommendations to emergency response personnel on radiological issues if NRC assistance should be requested by the on-scene coordinator or if a need is recognized by NRC personnel.

The policy here set forth relates solely to radiological concerns. Responding to any attempt to steal or sabotage a shipment of nuclear material is a responsibility of the Federal Bureau of Investigation (FBI) as delineated in the NRC/FBI Memorandum of Understanding dated April 27, 1979, and published December 20, 1979, at 44 FR 75535.

Dated at Washington, D.C., this 23rd day of March 1984

For the Nuclear Regulatory Commission
Samuel J. Chilk,
Secretary of the Commission.