

NRC INSPECTION MANUAL NMSS/SCDB

MANUAL CHAPTER 1303

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

1303-01 PURPOSE

To establish procedures for requesting emergency assistance from the U.S. Department of Energy (DOE) in retrieving and storing inadequately-controlled, radioactive material licensed by NRC or an Agreement State.

1303-02 OBJECTIVE

To ensure adequate protection of the public health and safety from radiation hazards arising from situations in which (1) radioactive material licensed by NRC or an Agreement State is discovered to be inadequately controlled; and (2) appropriate governmental actions are needed because of the lack of a capable licensee.

1303-03 APPLICABILITY

This chapter applies to the Office of Nuclear Material Safety and Safeguards (NMSS) and NRC regional offices.

1303-04 DEFINITIONS

04.01 Inadequately-Controlled Radioactive Material. Byproduct, source or special nuclear material, licensed by NRC or an Agreement State, that is (1) in the possession of an unlicensed party, (2) in the possession of a licensee not authorized to possess the material, or (3) in the possession of a licensee authorized to possess the material, but for which there is little confidence that the licensee will be able to continue to maintain appropriate security of the material. Examples of such situations are abandoned sources or devices containing sources that are traceable to a licensee that cannot take control of the material; unauthorized transfer of licensed material by or to licensees; and licensed material in the possession of licensees or former licensees who are unable to adequately control the material.

04.02 Emergency Situation. For the purpose of requesting emergency acceptance by DOE, an emergency situation is a situation that is causing, or has high potential to cause, a significant health and safety risk to members of the general public. An emergency situation under this manual chapter differs from an emergency incident as defined in Inspection Manual Chapter (IMC) 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

05.01 Director, Office of State Programs (OSP)

a. Receive and evaluate requests from Agreement States for emergency acceptance by DOE of material licensed by the Agreement State.

b. Coordinate Agreement State requests with the Source Containment and Devices Branch (SCDB/NMSS).

05.02 Director, Division of Radiation Safety and Safeguards, Region I-IV

- a. Determine when a situation involves licensed material lacking a capable licensee to control it, and request DOE emergency acceptance in accordance with this manual chapter.

- b. Assign a regional point-of-contact to coordinate DOE retrieval of licensed material.

05.03 Director, Division of Industrial and Medical Nuclear Safety (IMNS), NMSS Review and approve all NRC and Agreement State requests for DOE emergency acceptance of licensed material.

05.04 Chief, Source Containment and Devices Branch (SCDB), IMNS, NMSS

- a. Receive and coordinate requests for DOE emergency acceptance of licensed material in accordance with this manual chapter.

- b. Determine whether requests are sufficient to request DOE assistance.

- c. Prepare letters to DOE requesting emergency acceptance of material licensed by NRC or an Agreement State.

05.05 Chief, Storage and Transport Systems Branch (STSB), IMNS, NMSS. Provide assistance with issues involving the transportation of radioactive materials.

05.06 Chief, Low-Level Waste and Decommissioning Projects Branch (LLDP), Division of Waste Management, NMSS. Maintain a listing of licensed material accepted by DOE and its location within DOE.

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. This manual chapter contains the procedure to be followed after any immediate actions to secure inadequately-controlled material have been taken, and it has been determined that emergency acceptance by DOE is required to eliminate a significant threat to public health and safety because all other available options for disposing of the material have been exhausted.

b. In general, this procedure is intended for situations involving discrete sources at a single location, or locations that are closely related geographically or functionally. Other situations shall be evaluated on a case-by-case basis.

c. DOE will retrieve inadequately-controlled radioactive material that has been traced to a DOE facility or prime contractor. For material licensed by NRC or an Agreement State, DOE has only agreed to accept the material when it is clear that the material is causing, or has high potential to cause, a significant threat to public health and safety; and the responsible licensee is not available, or not capable of adequately controlling it.

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 contact DOE directly.

06.02 Requesting Emergency Acceptance by DOE

a. Regions requesting emergency acceptance of NRC-licensed material shall contact the Chief, SCDB/NMSS. Agreement States requesting emergency acceptance of State-licensed material

shall contact OSP and OSP shall coordinate the request with SCDB/NMSS. The Region/Agreement State should recount and document a chronology of events, discuss results of actions taken to identify a responsible licensee and dispose of the material, provide a description of the material, and designate a point-of-contact (POC). The information required to request emergency acceptance by DOE is outlined in Exhibit 1.

b. If all the above information is received by SCDB and determined to be sufficient to request DOE assistance, SCDB personnel shall prepare a letter to the Deputy Assistant Secretary for Waste Management, DOE, Washington DC 20545, requesting that DOE accept management of the material, and forwarding a summary of the information listed above.

c. All requests for DOE emergency acceptance of radioactive material shall be signed by the Director, IMNS/NMSS, or an alternate designated official.

d. In addition, SCDB personnel shall inform the following individuals of emergency assistance requests:

- Director, Office of Technical Support, DOE for Greater-Than-Class-C (GTCC) radioactive material, or

- Director, Office of Site Operation, DOE for all other radioactive material, and

- Chief, LLDP/NMSS.

e. DOE Headquarters will contact the appropriate DOE regional office or facility to arrange for the management of the material. The DOE regional office or facility will work directly with the designated Region/State point-of-contact to make detailed arrangements for the pick-up.

f. 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, SCDB/NMSS, and a copy is to be sent to the Chief, LLDP/NMSS. Agreement States should submit a copy to OSP also. LLDP maintains a listing of the material accepted by DOE and its location within DOE.

END

Exhibits:

1. Information to be Provided to SCDB/NMSS for DOE Requests

Exhibit 1

INFORMATION TO BE PROVIDED TO SCDB/NMSS FOR DOE REQUESTS

General:

Region/State

Point-of-Contact: _ Phone: () -

Possessor's Name: _

Contact Name: _ Phone: () -

Street Address: _ Fax: () -

-

City: _ State: _ Zip: _

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

facility): _

-

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

cabinet, etc.): _

-

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

1) Form of material: _ Nuclide: _

(ceramic matrix, pellets, etc.)

Activity Level: _ Assay Date: / /

(mCi or Ci) (if applicable)

2) Form of material: _ Nuclide: _

(ceramic matrix, pellets, etc.)

Activity Level: _ Assay Date: / /

(mCi or Ci) (if applicable)

Verify that the waste classification of the material is in accordance with 10 CFR 61.55 and the Branch Technical Position (BTP) on Waste Concentration Averaging, if possible (contact LLDP/NMSS for a copy of the BTP).

Waste Classification: _

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.

Region/State POC: _ Possessor: _

For devices, provide the weight in pounds of any depleted uranium used as shielding: _ lbs.

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

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

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

Device Model Number: _

Device Serial Number: _

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

Weight of device (including any DU shielding): _

Physical dimensions of device: _

Device condition: Damaged: _ Intact: _ Contaminated: _

B. Sealed Source: Information must be provided for each source. Attach engineering drawings, 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: _

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.

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 TYPED/PRINTED 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.