

# NRC INSPECTION MANUAL

FSME

## MANUAL CHAPTER 1303

### REQUESTING EMERGENCY ACCEPTANCE OF RADIOACTIVE MATERIAL BY THE U.S. DEPARTMENT OF ENERGY

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## 1303-01 PURPOSE

To establish procedures for NRC regional and headquarters staff 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), between the NRC and DOE, 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 the Office of Nuclear Material Safety and Safeguards (NMSS), the Office of Federal and State Materials and Environmental Management Programs (FSME), the Office of International Programs (OIP), the Office of Nuclear Security and Incident Response (NSIR), 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 MOU are applicable to this MC.

## 1303-04 DEFINITIONS

04.01 Inadequately-Controlled Radioactive Material. (1) 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 (or sources in imminent danger of abandonment), and material in the possession of non-licensees, such as members of the public. (2) Inadequately-controlled radioactive material can include material, that is in the possession of a person who is authorized by a license (issued by the NRC or an Agreement State), to possess the material, but for which NRC or an Agreement State has determined poses a significant health and safety risk, or security risk.

04.02 Emergency Situation. For the purpose of requesting emergency acceptance by DOE, an emergency situation is one in which radioactive material is causing, or has a high potential to cause, a significant health and safety risk, or security risk. An emergency situation under this MC 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, Division of Materials Safety and State Agreements (MSSA)/FSME

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

### 05.02 Chief, Medical Safety and Events Assessment Branch (MSEA)/FSME

- 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, MSSA.
- d. Prepares requests for DOE emergency assistance when NRC management decides the incident would be better handled by MSSA 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 MSSA initiated requests for DOE emergency assistance with radioactive material.
- e. Coordinates requests for DOE emergency assistance and applicable follow-up activities with State, local, and Tribal organizations. Establishes an Agreement State point-of-contact, for coordination of requests for DOE emergency retrieval of radioactive material when the incident involves material in an Agreement State. Assists Agreement State in preparing requests for DOE emergency assistance in accordance with guidance established by MSSA, when the incident involves material in an Agreement State.

05.03 Chief, Source Safety and Security Branch, MSSA/FSME. Provides assistance, as requested, with issues related to security of radioactive materials.

05.04 Chief, State Agreements and Industrial Safety Branch, MSSA/FSME. Provides assistance, as requested, with issues related to industrial applications of radioactive materials. Provides assistance, as requested, with issues involving Agreement State requests for assistance.

05.05 Director, Division of Spent Fuel Storage and Transportation, NMSS. Provides assistance, as requested, with issues related to requests for assistance involving the transportation of radioactive materials.

#### 05.06 Regional Administrators

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

05.07 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.

#### 05.08 Director, Office of Nuclear Security and Incident Response (NSIR).

- a. Provides assistance, as requested, with issues involving security as related to material covered under this MC.
- b. Prepares requests for DOE emergency assistance in accordance with guidance established by MSSA, when the basis for the request is primarily a security concern.
- c. Refers questions on source recovery policy matters to MSEA for resolution.
- d. Assigns an NSIR point-of-contact for coordination of requests for DOE emergency retrieval of radioactive material when the basis for the request is primarily a security concern.

### 1303-06 BASIC REQUIREMENTS

#### 06.01 General Guidance

- a. Guidance for immediate response actions are contained in NUREG-0728, "NRC Incident Response Plan," and MC 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 MSEA 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, NSIR, and Agreement States considering requesting DOE emergency assistance may contact the Chief, MSEA, or the Orphan Source Project Manager in MSEA. Formal requests from the regions shall be submitted to the Orphan Source Project Manager in MSEA. Agreement States shall contact Orphan Source Project Manager in MSEA prior to submitting a formal request.
- b. Regions, NSIR, other NMSS or FSME Divisions, and Agreement States must provide the following information for MSEA 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 determine that other reasonable alternatives do not exist or are not feasible (including examination of licensee financial issues and determination of the existence of financial assurance instruments that could be applied); 5) justification that the situation warrants emergency recovery; and 6) the information outlined in Exhibit 1.
- c. When all the above information is received by MSEA, and determined to be sufficient to request DOE assistance, the Orphan Source Project Manager in MSEA shall prepare a letter to DOE 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, MSSA, or an alternate designated official.

#### 06.03 Coordination and Follow-up

- a. DOE 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/NSIR/NMSS or FSME Division/State point-of-contact (POC) and the facility in which the material is located to make detailed arrangements for the pick-up. The POC and DOE are to keep the Orphan Source Project Manager in MSEA updated on current status of activities.
- b. After acceptance by DOE, the POC 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 Orphan Source Project Manager in MSEA.

END

Exhibit:

1. Information for DOE requests.

EXHIBIT 1  
INFORMATION FOR DOE REQUESTS

**General:**

Office/Division, Region (RI, RII, RIII, RIV), or State initiating request: |

Point-of-Contact:

Phone/Fax/Email: |

Possessor's Name (Company or Individual):

Contact Name (possessor):

Phone/Fax/Email: |

Possessor's Address:

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.):

Additional Notes:

Regional/State 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.**

**Device and Source Details:**

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

Source List:

	Form of Material (ceramic matrix, pellets, etc.)	Nuclide	Activity	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 (ML033630732)]

For devices, provide the total weight (in pounds or kilograms) of any depleted uranium used as shielding:

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. If more than one device, attach additional sheets or repeat Section A block as necessary.

Device Manufacturer:

Device Model Number:

Device Serial Number:

SSD Device Registration Certificate Number (if known):

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 (isotope): \_\_\_\_

B. Sealed Source: Information must be provided for each source. Attach engineering drawings, photographs, specifications, descriptions, etc., as available. If more than one source, attach additional sheets or repeat Section A block as necessary.

Is this sealed source associated with the device above (specify device if more than one)? Sealed Source Manufacturer:

Sealed Source Model Number:  
Sealed Source Serial Number:  
SSD Source Registration Certificate Number (if known):  
Is the source special form (if known)?  
Physical Dimensions of source/source holder:  
Date of manufacture or age of source (if known):  
Isotope:  
Assay Date:  
Activity:  
IAEA Source Categorization (at time of request):  
Source condition: Leaking: \_\_\_\_\_ Damaged: \_\_\_\_\_ Intact: \_\_\_\_\_

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

**IMPORTANT: The owner of the material should make in a letter, or be prepared to make upon DOE receipt, the following certification (including the warning statement).**

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 (TYPE OR PRINT):

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



ATTACHMENT 1  
Revision History for IMC 1303

Commitment Tracking Number	Issue Date	Description of Change	Training Needed	Training Completion Date	Comment Resolution Accession Number
N/A	11/29/2007 CN 07-037	Update to reflect reorganization, and to reflect that the program applies to recovery of sources based on security concerns	None	N/A	ML072280208