Department of Energy
Washington, DC 20585
February 6, 2007

MEMORANDUM FOR INGRID KOLB
DIRECTOR
OFFICE OF MANAGEMENT

THROUGH: CRAIG WISOOKER
ACTING DIRECTOR
OFFICE OF INFORMATION RESOURCES

FROM: GLENN S. PODONSKY
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: Notice of Intent to Develop DOE N 234.X, *Reporting of Radioactive Sealed Sources*

PURPOSE: This new Notice, which will be forwarded separately, supports the U.S. Department of Energy's (DOE) commitment to work toward following international guidance for the control of radioactive sealed sources. It provides direction to the Department's headquarters elements, field sites, and facilities for identifying and reporting of site radioactive sealed source inventory data to a central DOE database and for conducting transaction reporting and reconciliation for select radioactive sealed sources to report data to the National Source Tracking System (NSTS) being developed by the U.S. Nuclear Regulatory Commission (NRC) as mandated by section 170H of the Energy Policy Act of 2005 (attachment 1). DOE is expected to provide data to the NSTS once it becomes operational. Prompt processing of this Notice is recommended so that the Department can meet its commitment to report data to the NSTS.

This directive is new, does not contain complex issues, is 6–20 pages in length, and is expected to follow the 60-day Track 2 processing path. The milestones matrix is located at attachment 2.

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The proposed directive does not duplicate existing laws, regulations, or National standards, and it does not create undo burden on the Department.

JUSTIFICATION: The U.S. has provided strong leadership in international efforts to enhance the security and control of radioactive sealed sources to address global concerns that these sources could be used in a radiological dispersal device. In a written political commitment on October 7, 2003, the U.S. notified the Director General of the International Atomic Energy Agency (IAEA) the U.S. will work toward following the guidance contained in the non-legally binding IAEA Code of Conduct on the Safety and Security of Radioactive Sources [The Code] (attachment 3), that recommends, "Every State should establish a national register of radioactive sources. This register should, as a minimum, include Category 1 and 2 radioactive sealed sources as described in Annex 1 to this Code."

The DOE and other Federal agencies are working with the NRC in development of the NSTS, which will enable the U.S. to meet its international commitments and satisfy the mandate in the Energy Policy Act of 2005. The NRC's Final Rule for National Source Tracking of Sealed Sources (10 CFR 20 and 10 CFR 32) was published November 8, 2006 (attachment 4).

The NSTS will track specific information on certain Category 1 and 2 radioactive sealed sources, which are under NRC license, Agreement license, or DOE control. To support this effort, the NRC and DOE have established interim databases that contain radioactive sealed source inventories held by each respective agency. DOE achieved its interim inventory data through data call memoranda to the program offices and sites that requested site inventories in 2004 (attachment 5) and 2005 (attachment 6), based on inventory requirements of 10 CFR 835, *Occupational Radiation Protection*. Prior to this effort, DOE did not have a centralized database with the inventory of DOE's sealed sources. This Notice is directing continued collection of the 10 CFR 835 inventory data for DOE as a best practice in the management and control of the Department's radioactive sealed source inventory. This data can be used for

disposition planning and emergency response activities. In addition, the international community and other Federal agencies are in the process of examining whether or not Category 3 sources should be tracked, and the centralized inventory will enable DOE to evaluate the impact of tracking additional categorized sources.

The Office of Health, Safety and Security has been communicating with the DOE program offices and sites since 2005 to assist them with early identification and categorization of sealed sources via a workshop, meetings, and conference calls (attachment 7) and to keep them informed of international guidance and the U.S. political commitment to enhance controls on radioactive sealed sources.

IMPACT: The programmatic impact for radioactive sealed source inventory and transaction reporting is expected to be low.

The centralized DOE database, the Radiological Source Registry and Tracking (RSRT) database is operational and contains the DOE baseline inventory from the 2004 and 2005 data calls. To implement the Notice, sites will need to verify that current inventory data are correct. Since sites already maintain inventory information under 10 CFR 835, the primary burden to sites will be transaction reporting, which is anticipated to be low, based on the following:

- The number of Category 1 and 2 sources is relatively small. DOE controls approximately 2,300 IAEA Category 1 and 2 radioactive sealed sources as initially identified in the RSRT inventory. Of these, ~1900 represent radioactive material originally encapsulated for operational reasons awaiting final disposition, and do not meet the NSTS definition of a radioactive sealed source. Of the remaining ~400 Category 1 and 2 radioactive sources, only a small number are expected to transact annually.

- Number of expected transactions to NSTS is low. The largest annual movement of radioactive sealed sources between DOE and commerce occurs within the Off-Site Source Recovery Program. However, the

majority of these are Category 3 sources, which do not require transaction reporting to NSTS.

- Cost effective reporting. Due to the low number of Category 1 and 2 sources to be transacted annually, and subsequent small number of transactions to be reported to NSTS, simple means of reporting may be utilized (i.e., facsimile, e-mail). This reduces costs to the DOE sites and to the database administrator.

- Inventories are currently identified and maintained under 10 CFR 835. DOE sites currently maintain radioactive sealed source inventory information, as required under subpart M and appendix E of 10 CFR Part 835, *Occupational Radiation Protection,* for designing and implementing radiological protection programs. The inventory information is well characterized, and a major portion is maintained electronically in database systems. The primary burden to DOE sites will be the transaction reporting, which is anticipated to be low in number, annually.

This directive will support the NSTS that will provide the U.S. with greater knowledge of the location, quantity, and movement of radioactive sealed sources between Government and commerce, including exports and imports. This will have a positive impact on DOE and the U.S. by increasing source user accountability, supporting increased control and security of radioactive sealed sources, and reducing the potential for unauthorized use.

CONTACT: Should you have any comments or questions regarding this directive, please contact Ruth Watkins, of my staff, at (301) 903-2644.

DECISION:

Concur: _____.

Nonconcur: _____.

Time Frame: ___ 30 days ___ 60 days ___ 90 days ___ 120 days

Date: _____.

Attachments

cc: Ray Holmer, HS-1.2
Andrew Bieniawski, NA-21
Anita Capoferri, GC-52

Proposed Schedule

Milestone	Date	
	Planned	Completed
Meet with DOE Radiological Control Coordinating Committee to discuss proposed policy	05/05	05/05
Create draft policy document July 2005	--	07/05
Draft DOE policy sent to DOE HQ Program Offices for comments	07/05	07/05
Meeting of Sealed Source Policy Working Group	09/05	09/05
NRC's draft rule for National Source Tracking System sent to program offices for information/background	01/06	01/06
Office of General Counsel reviews DOE draft Notice for legal basis, etc.	03/06	03/06
Route directive through HS-71 for comment	10/06	10/06
Resolve internal comments and produce revised draft	10/06	10/06
Obtain comments from HSS program offices	11/06	12/06
Submit to MA-1 for review, editing, and approval	~~12/06~~ 03/07	
Post to Revcom	~~01/07~~ 03/07	
Target Approval Date	06/07	