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ALL AGREEMENT STATES, CONNECTICUT, INDIANA
NRC NMSS, NRC REGIONS I, III, AND IV


AVAILABILITY OF THE REVISED INTERIM HANDBOOK ON NUCLEAR MATERIAL EVENT
REPORTING FOR THE AGREEMENT STATES (STC-22-065)

Purpose: The Office of Nuclear Material Safety and Safeguards (NMSS) is issuing a revision to the interim “Handbook on Nuclear Material Event Reporting for the Agreement States.” During the initial part of the comment period, the NRC became aware of reporting requirement errors that existed within Appendix A, “NRC Reporting Requirements.” These errors are being corrected and this version will replace the Handbook that was issued on August 3, 2022. A redline/strikeout version of the revised interim Handbook can be obtained from the NRC’s public website: <https://www.nrc.gov/reading-rm/doc-collections/nmss-procedures/state-agreement.html> or from the Agencywide Documents Access and Management System at <https://www.nrc.gov/reading-rm/adams.html> (Accession No. ML22266A093). The redline/strikeout version is to provide clarity on the changes. The comment period remains open until February 3, 2023.

Discussion: While processing a well logging abandonment request, an Agreement State identified an error in Appendix A, “NRC Reporting Requirements,” of the interim Handbook. Title 10 of the Code of Federal Regulations (10 CFR) 39.77, “Notification of incidents and lost sources; abandonment procedures for irretrievable sources,” contained requirements that were incorrectly captured in the interim Handbook. Upon further review, the NMSS staff identified that the interim Handbook, Appendix A also contained an error for 10 CFR 39.35, “Leak testing of sealed sources” and 10 CFR 34.101(a), “Notifications.” Clarifying statements were added to 10 CFR 35.3045, “Report and notification of a medical event,” 10 CFR 35.3047, “Report and notification of a dose to an embryo/fetus or a nursing child,” and 10 CFR 71.5, “Transportation of licensed material.”

For each regulation assessed in Tables 1 and 2 below, the discussion includes how the reporting requirement was displayed in the interim Handbook issued on August 3, 2022. The discussion also considers the past practice as well as the corrected content in the revised interim Handbook. The third column displays the content included in the newly revised interim Handbook, Appendix A.

Table 1. 10 CFR 39.77, "Notification of incidents and lost sources; abandonment procedures for irretrievable sources."

Regulation	Discussion	Notification (Revised Interim Handbook)
10 CFR 39.77(a)		
<p>The licensee shall immediately notify the appropriate NRC Regional Office by telephone and subsequently, within 30 days, by confirmation in writing, using an appropriate method listed in § 30.6(a) of this chapter, if the licensee knows or has reason to believe that a sealed source has been ruptured. The written confirmation must designate the well or other location, describe the magnitude and extent of the escape of licensed materials, assess the consequences of the rupture, and explain efforts planned or being taken to mitigate these consequences.</p>	<p>The interim Handbook, Appendix A captured this notification as both an immediate notification to the HOC and a written report to NMED within 30 days.</p> <p>The Agreement State licensee is required to contact the Agreement State office immediately. The regulation does not specify a notification to the HOC, so an equivalent notification is not expected from the Agreement State. The Agreement State is not required to notify the HOC immediately. In the past, the Agreement States have submitted written reports to NMED within 30 days. This is consistent with the interim Handbook, Appendix A and is not an error.</p> <p>The HOC icon and the "immediate" text were removed from the revised Appendix. To further clarify, a footnote was added to this section. It reads "The Agreement State should submit the 30 day report to NMED. The immediate notification to the regulator for well logging does NOT fall under event reporting and is therefore not captured in the Notification column in the chart. A notification to the HOC is not required for a well logging source rupture."</p>	<p>30 days</p> 
10 CFR 39.77(b)		
<p>The licensee shall notify the Commission of the theft or loss of radioactive materials, radiation</p>	<p>The interim Handbook, Appendix A captured this as a notification to the HOC. This is</p>	<p>See methods in referenced regulations.</p>

Regulation	Discussion	Notification (Revised Interim Handbook)
<p>overexposures, excessive levels and concentrations of radiation, and certain other accidents as required by §§ 20.2201 - 20.2202, § 20.2203 and § 30.50 of this chapter.</p>	<p>an oversimplification of the content.</p> <p>The HOC icon was removed from the revised Appendix and the following text added; “See methods in referenced regulations.”</p> <p>A note was added to the chart to provide clarification. “An irretrievable source that received approval from the regulator to implement abandonment procedures is not a lost source.”</p>	
10 CFR 39.77(c)		
<p>If a sealed source becomes lodged in a well, and when it becomes apparent that efforts to recover the sealed source will not be successful, the licensee shall—</p> <p>(1) Notify the appropriate NRC Regional Office by telephone of the circumstances that resulted in the inability to retrieve the source and--</p> <p style="padding-left: 40px;">(i) Obtain NRC approval to implement abandonment procedures; or</p> <p style="padding-left: 40px;">(ii) That the licensee implemented abandonment before receiving NRC approval because the licensee believed there was an immediate threat to public health and safety; and</p> <p>(2) Advise the well owner or operator, as appropriate, of the abandonment procedures under</p>	<p>The interim Handbook, Appendix A captured this requirement as a notification to the HOC after it was determined that the source was irretrievable.</p> <p>The Agreement State licensee should contact the Agreement State office to obtain approval to implement its abandonment procedures. A notification to the HOC has not been required in the past and is not required now.</p> <p>The reference to 10 CFR 39.77(c) was removed from the revised Appendix. This regulation does not represent a reporting requirement.</p>	



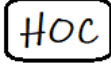

Regulation	Discussion	Notification (Revised Interim Handbook)
<p>§ 39.15 (a) or (c); and</p> <p>(3) Either ensure that abandonment procedures are implemented within 30 days after the sealed source has been classified as irretrievable or request an extension of time if unable to complete the abandonment procedures.</p>		
10 CFR 39.77(d)		
<p>The licensee shall, within 30 days after a sealed source has been classified as irretrievable, make a report in writing to the appropriate NRC Regional Office. The licensee shall send a copy of the report to each appropriate State or Federal agency that issued permits or otherwise approved of the drilling operation.</p>	<p>In the interim Handbook, Appendix A, this regulation was combined with 10 CFR 39.77(c).</p> <p>The past practice of Agreement States is to submit a written report to NMED in accordance with 10 CFR 39.77(d). The interim Handbook Appendix A correctly included this instruction.</p> <p>This regulation was decoupled from 10 CFR 39.77(c).</p>	<p>30 days</p> 

Table 2. Errors impacting reporting were identified in two additional areas of Appendix A.

Regulation	Discussion	Notification (Revised interim Handbook)
10 CFR 34.101(a), “Notifications.”		
<p>Incidents involving radiographic equipment:</p> <p>(1) Unintentional disconnection of the source assembly from the control cable;</p> <p>(2) Inability to retract the source assembly to its fully shielded position and secure it in this position; or</p> <p>(3) Failure of any component (critical to safe operation of the device) to properly perform its intended function.</p>	<p>The interim Handbook, Appendix A captured an additional reporting requirement in error. It said “24-hour notification to the HOC” as 30.50 also applies.</p> <p>In the past, 10 CFR 30.50 has not applied in every case. This content was modified to include an “if” statement.</p>	<p>30 days</p>  <p>If 30.50(b)(2) also applies, then a 24 hour report to the HOC is required.</p> 
10 CFR 39.35, “Leak testing of sealed sources.”		
<p>The licensee shall submit a report to the appropriate NRC Regional Office listed in appendix D of part 20 of this chapter, within 5 days of receiving the test results. The report must describe the equipment involved in the leak, the test results, any contamination which resulted from the leaking source, and the corrective actions taken up to the time the report is made.</p>	<p>The interim Handbook, Appendix A captured this requirement as a notification to the HOC with 5 days.</p> <p>In the past, Agreement States have submitted a written report to NMED.</p> <p>The HOC icon was removed from the revised Appendix and a written report icon added.</p>	<p>5 days</p> 

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Signed by Williams, Kevin
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SUBJECT: AVAILABILITY OF THE REVISED INTERIM HANDBOOK ON NUCLEAR MATERIAL EVENT REPORTING FOR THE AGREEMENT STATES (STC-22-065) DATED: NOVEMBER 28, 2022

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