



Department of Energy

Washington, DC 20585

December 22, 2009

MEMORANDUM FOR DISTRIBUTION

FROM:

FRANK MARCINOWSKI 
HEADQUARTERS CERTIFYING OFFICIAL
ACTING DEPUTY ASSISTANT SECRETARY FOR
TECHNICAL & REGULATORY SUPPORT

SUBJECT:

Use of Appropriate Certificates of Compliance for DOE Shipments

In an effort to fully utilize the benefits authorized to DOE for transportation package certification in accordance with DOE O 460.1B "Packaging and Transportation Safety," I am requesting the sites to use DOE certification for Type B or fissile material packagings for radioactive material, whenever applicable. Nuclear Regulatory Commission (NRC) certification for Type B or fissile material packagings should only be sought for those activities not covered by DOE O 460.1B, such as shipments in support of the Naval Reactors and Foreign Research Reactors Fuel programs, and WIPP Certificates of Compliance (CoCs). In short, if a shipment is being made from a DOE site, DOE is authorized to certify the package. Therefore, the Safety Analysis Report for Packaging (SARP) should be submitted to the Package Certification Program (PCP) within the Office of Packaging and Transportation (EM-45) for review and approval.

If a shipment is being made from an NRC licensee's facility to a DOE site, the NRC is required to approve the CoC. However, another option to keep in mind when planning to make a shipment from an NRC licensee to a DOE site is for DOE to accept ownership of the package at the NRC licensee's facility. Using this option, DOE would impose its transportation requirements at the licensee's facility and be responsible for such activities as ensuring proper characterization of the material to be shipped, packaging selection, use of appropriate operating procedures for shipment preparation and associated documentation. The main incentive for using this option is that with DOE identified as the responsible shipper, transportation packages are permitted to be shipped using a DOE CoC.

All actions with the NRC where DOE is the NRC CoC holder (revisions, renewals, and new CoCs) should come through the DOE PCP for review. Based on PCP's agreement with NRC, DOE will only send those actions to NRC for review where it has been confirmed that there is a need for an NRC licensee to use the packaging.



NRC has requested that all DOE CoC approval requests (except as noted above) be submitted through a single DOE point of contact. We have informed NRC that we will make every attempt to make this happen. This approach is an effective and efficient use of NRC and DOE resources by keeping costs to minimum where appropriate, and allowing DOE to prioritize certification work based on safety and security needs.

DOE PCP reviews should also be requested for the following scenarios, at a minimum:

- If a revision is needed to an existing NRC CoC by a DOE contractor who is acting as an NRC licensee making a DOE shipment, the SARP should be submitted to PCP for an Acceptance Review (similar to the one performed by NRC prior to its review). PCP will perform the Acceptance Review as expeditiously as possible and provide feedback to the applicant on any obvious omissions prior to submittal to the NRC. This PCP review will be performed to increase the probability of a high quality submittal to NRC, thus reducing the cost and schedule delays associated with NRC rejections and questions for DOE-related submittals.
- In cases where an NRC CoC exists and new DOE contents are needed to be shipped in the package, PCP will review the SARP and issue a DOE CoC for the new contents based on the approved NRC CoC. The PCP reviewers will not need to perform a comprehensive review on the portions of the SARP not affected by the content changes.

If you have any questions, please contact Stephen O'Connor, Director of EM-45, at (301) 903-7854 or Dr. James Shuler, PCP Manager, at (301) 903-5513.

cc.:

Stephen O'Connor, EM-45

James Shuler, EM-45

**NOTE: MODIFY ACCORDINGLY TO FIT THE NEEDS/REQUESTS/INFORMATION
IN THE CORRESPONDENCE**

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