



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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April 29, 2024

ALL AGREEMENT STATES
CONNECTICUT, INDIANA, WEST VIRGINIA

APPLICABILITY OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 71
REQUIREMENTS DURING THE MOVEMENT OF RADIOACTIVE MATERIAL WITHIN A
TEMPORARY JOBSITE STC LETTER

Purpose: To clarify that Title 10 of the Code of Federal Regulations (10 CFR) Part 71 is not applicable if a service provider is moving radioactive material within an area established as a temporary jobsite pursuant to the service provider's license.

Background: Following an inspection related to the removal of a self-shielded irradiator at an NRC licensed facility, NRC staff and other stakeholders raised questions regarding the applicability of the requirements in 10 CFR 71 to NRC (or Agreement State) licensees during the removal and packaging of radioactive material with the use of a licensed service provider. This incident is reported in more detail in [ML23354A232](#).

10 CFR Part 71, 10 CFR 71.0(c) states: "The regulations in this part apply to any licensee authorized by specific or general license issued by the Commission to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the NRC license, or transports that material on public highways. No provision of this part authorizes possession of licensed material." 10 CFR Part 71 only applies when outside the site of usage as specified in the NRC license.

The service provider licensee establishes a temporary jobsite to conduct their operations and are subject to the rules and regulations applicable to their temporary jobsite during the serviced movement of radioactive materials.


Discussion: The service provider's license authorizes the service provider to move radioactive material within the boundaries of a self-defined temporary jobsite, including, potentially, a closed public road or an area outside the facility's site of usage. The temporary jobsite becomes the licensed site of usage for the service provider and thus does not fall under 10 CFR 71. As with any licensed site, the service provider is required to adhere to the applicable safety and security

controls within the temporary jobsite, including dose requirements in 10 CFR Part 20 and access and security controls pursuant to 10 CFR Part 37

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Sincerely,

Signature:  Signed by Giantelli, Adelaide
on 04/29/24

Adelaide S. Giantelli, Branch Chief
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Office of Nuclear Material Safety
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