



Arkansas Department of Health

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Governor Mike Beebe

Paul K. Halverson, DrPH, FACHE, Director and State Health Officer

June 27, 2013

Irene Wu, FSME/SMPB
Nuclear Regulatory Commission (NRC)
2 White Flint North
11545 Rockville Pike
Rockville, Maryland 20852

Dear Ms. Wu:

The Arkansas Department of Health, Radioactive Materials Program has reviewed the draft NRC Regulatory Issue Summary entitled "Reporting Transactions Involving Temporary Job Sites to the National Source Tracking System (FSME-13-051)."

Enclosed are the Department's comments to this regulatory issue summary. The Department appreciates the opportunity to comment on this issue concerning the National Source Tracking System.

If you have any questions regarding the enclosed comments, please contact the Arkansas Department of Health, Radioactive Materials Program at (501) 661-2173 or adh.ram@arkansas.gov.

Sincerely,

Kayla D. Avery, BS, CNMT, Health Physicist
Arkansas Department of Health
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cc: Jared Thompson, Program Manager

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**ARKANSAS DEPARTMENT OF HEALTH
RADIOACTIVE MATERIALS PROGRAM**

**COMMENTS ON RIS “REPORTING TRANSACTIONS INVOLVING TEMPORARY
JOB SITES TO THE NATIONAL SOURCE TRACKING SYSTEM (FSME-13-051)”**

COMMENTS

The Department would like to thank the Nuclear Regulatory Commission (NRC) for the opportunity to comment on the proposed Regulatory Issue Summary (RIS) regarding “*Reporting Transactions Involving Temporary Jobsites to the National Source Tracking System (FSME-13-051)*.”

The Department understands the intent of this RIS will be to clarify the reporting requirements when transferring a nationally tracked source to temporary job sites.

The NRC requires compliance with reporting transactions of nationally tracked sources under 10 CFR 20.2207. It should be noted that this regulation did not address transfers to temporary jobsites. The transfer of nationally tracked sources to temporary job sites was addressed in supplementary information where it was determined that temporary job site transactions should not be reported to the NSTS.

CURRENT ISSUES

The State of Arkansas, as well as several other Agreement States, typically issue reciprocity to out-of-state licensees for up to 180 days during the calendar year. Due to the complexity of the job or the volume of work, if the licensee is more than likely to exceed this 180 day limit, they will be required to obtain a radioactive material license in the state in which they are working under reciprocity. We have found this to be especially true with radiography licensees working with new or replacement oil and gas pipelines.

The State of Arkansas, like many other states, does not require a licensee to have a permanent storage location within the State of Arkansas in order to possess a license. Even though the licensee might have no intention of establishing a permanent storage facility, this can be a convenience for the licensee if they need more than 180 days to complete the job. In some cases, such as pipeline work, a permanent storage location in Arkansas is not feasible due to the transitory nature of the radiography crews.

The issue encountered most frequently in Arkansas with the NSTS is when a radiography crew receives a new source at a temporary jobsite while working in Arkansas, and the licensee transfers the source to their Arkansas radioactive material license in the NSTS; however, the licensee does not have a permanent storage location in Arkansas. This has caused significant problems in NSTS because sources are only supposed to be transferred to permanent base locations.

There is an attempt to address this type of transaction in example number 3 of transferring sources to temporary job sites.

As stated above, this type of license only allows licensees to conduct activities at temporary jobsites in Arkansas and does not authorize a permanent storage facility in the state. This license also does not permit receipt and disposal at temporary jobsites to and/or from the manufacturer. According to number 3 of the examples, this licensee would be required to report a transaction to the NSTS due to the fact that a transfer from one license to another license would occur. This is confusing to licensees who are trying to meet the intent of the NSTS and show the transfer; however, the license listed in the NSTS does not contain a licensed permanent storage facility in the state because they working at temporary job sites only.

It appears that additional guidance should be provided to the licensees to explain when a transfer actually occurs. In the example above, the licensee would assume that since the source is being used under the Arkansas license (temporary job site state) and not under the license issued in their home state, it should be reported to the NSTS as a transfer.

The Department would like to see example number 3 strengthened or a number 4 example added to further clarify to licensees that if sources used at temporary jobsites are only exchanged with the home office and the transfers with the manufacturer are only performed by the home office, then reporting to the NSTS is not required. The licensee would then understand that the source is being used at a temporary jobsite under an additional license but no transfer has actually taken place.