

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
WASHINGTON, D.C. 20555

September 11, 2013

**NRC REGULATORY ISSUE SUMMARY 2013-14
REPORTING TRANSACTIONS INVOLVING TEMPORARY JOBSITES
TO THE NATIONAL SOURCE TRACKING SYSTEM**

ADDRESSEES

All industrial radiography and well logging licensees, and all Radiation Control Program Directors and State Liaison Officers.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to clarify the reporting requirements when transferring a nationally tracked source to temporary jobsites. The NRC is providing this RIS to the Agreement States for their information and for distribution to their radiography and well logging licensees as appropriate. This RIS does not transmit any new requirements and does not require any specific action or written response on the part of an addressee.

BACKGROUND

There are two main industrial uses of nationally tracked sources that involve temporary jobsites: industrial radiography and well logging. Temporary jobsite is defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 34.3 as a location where radiographic operations are conducted and where licensed material may be stored other than those location(s) of use authorized on the license. It is also defined in 10 CFR 39.2 as a place where licensed materials are present for the purpose of performing well logging or subsurface tracer studies.

The regulations in 10 CFR 20.2207, which address the National Source Tracking System (NSTS), cover the reporting of transactions of nationally tracked sources. The regulations describe the requirements for reporting five separate transactions: manufacture, transfer, receipt, disassembly, and disposal. The regulations do not directly address transfers to temporary jobsites; however, the issue of temporary jobsites was addressed in the proposed and final rules' Supplementary Information (70 FR 43646 and 71 FR 65686, respectively).

ML13210A235

The NRC carefully considered the information provided by commenters to the proposed rule published in 2005, and indicated in the Supplementary Information Section III C. "Analysis of Public Comments on the Proposed Rule," "Temporary Job Sites" of the final rule that temporary jobsite transactions should not be reported to the NSTS.

SUMMARY OF ISSUE

The NRC concluded that reporting of temporary jobsite transfers would impose a large additional burden on licensees without the corresponding security and accountability benefit. In addition, the information would likely be out of date by the time the source transfer or receipt is reported to the NSTS. The Supplementary Information of the final rule specifies that no reporting of sources being transferred to temporary jobsites is required.

The following information clarifies that the majority of transactions involving temporary jobsites would not require reporting to the NSTS. Examples of when reporting is not required include, but are not limited to, the following:

1. When a licensee uses a nationally tracked source at a temporary jobsite within their license jurisdiction (NRC or Agreement State);
2. When a licensee uses a nationally tracked source at a temporary jobsite in another jurisdiction under a reciprocity agreement; or
3. When a licensee uses a nationally tracked source at a temporary jobsite in another jurisdiction under a separate license. This is the case for a company with multiple licenses.

However, there are some situations involving temporary jobsites where reporting to the NSTS is required. These situations typically involve a change in possession from one licensee to another. Examples of when reporting is required include, but are not limited to, the following:

1. When a manufacturer sends a nationally tracked source directly to a licensee's temporary jobsite; or
2. When a licensee sends a nationally tracked source from the temporary jobsite to the manufacturer.

BACKFITTING AND ISSUE RESOLUTION

This RIS applies to industrial radiography and well logging licensees, and all Radiation Control Program Directors and State Liaison Officers. The RIS does not require any action. The RIS does not represent backfitting as defined in 10 CFR 50.109(a)(1), and is not otherwise inconsistent with any issue finality provision in 10 CFR Part 52 (the regulatory purview of Part 52 is nuclear power plants). Therefore, the NRC did not prepare a backfit analysis for this RIS or further address the issue of finality criteria in Part 52.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational and does not represent a departure from current regulatory requirements.

CONGRESSIONAL REVIEW ACT

This RIS is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget (OMB) has not found it to be a major rule as defined in the Congressional Review Act.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing information collection requirements were approved by the OMB, approval numbers 3150-0202.

PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, an information collection unless the requesting document displays a currently valid OMB control number.

CONTACTS

This RIS requires no specific action or written response. If you have any questions about this summary, please contact the technical contact listed below or the appropriate regional office.

/RA Pamela J. Henderson for/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Contact: Irene Wu, FSME/MSSA
(301) 415-1951
Email: irene.wu@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

CONTACTS

This RIS requires no specific action or written response. If you have any questions about this summary, please contact the technical contact listed below or the appropriate regional office.

/RA Pamela J. Henderson for/

Brian J. McDermott, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Contact: Irene Wu, FSME/MSSA
(301) 415-1951
Email: irene.wu@nrc.gov

Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under NRC Library/Document Collections.

ML13210A235

OFC	MSSA/SMPB	MSSA/SMPB	FSME/RMSB	Tech Editor
NAME	IWu	JDeCicco	AMcIntosh	PTressler
DATE	8/1/13	7/31/13	8/1/13	1-13
OFC	MSSA/SMPB/BC	OE	OIS	OGC/NLO
NAME	AGiantelli	NHilton	TDonnell via e-mail	JOImstead via e-mail
DATE	8/2/13	8/20/13	8/15/13	9/4/13
OFC	OGC/CRA	MSSA/DD	MSSA/D	
NAME	JOImstead via e-mail	PHenderson	PHenderson for BMcDermott	
DATE	9/4/13	9/11/13	9/11/13	

OFFICIAL RECORD COPY