

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

March 24, 2026

NRC REGULATORY ISSUE SUMMARY 2026-03
APPLICABILITY OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 71
REQUIREMENTS DURING THE MOVEMENT OF RADIOACTIVE MATERIAL WITHIN A
TEMPORARY JOBSITE

ADDRESSEES

All holders of, and applicants for, a specific materials license in accordance with the provisions of Title 10, "Energy," of the Code of Federal Regulations (10 CFR) Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," that authorize possession of 10 CFR Part 37 Category 1 and Category 2 quantities of radioactive material, the U.S. Nuclear Regulatory Commission (NRC) master material licensees, Agreement State radiation control program directors, and State Liaison Officers.

INTENT

The NRC staff is issuing this regulatory issue summary (RIS) to clarify the applicability of the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71, "Packaging and Transportation of Radioactive Material," for the transport of radioactive material within a temporary jobsite. No specific action or written response is required. The NRC is providing this RIS to the above addressees for their information and for re-distribution, as appropriate.

BACKGROUND INFORMATION

10 CFR 71 provides requirements for packaging, preparation for shipment, and transportation of licensed material. 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.

Service provider licensees (i.e., an entity authorized by a specific license) provide a variety of commercial services to their customers (i.e., other specific and general licensees) which include the movement of radioactive materials for the purpose of transport. In some cases, the service provider licensee establishes a temporary jobsite to conduct their operations.¹ During the movement of radioactive materials, service provider licensees are subject to the requirements within their license as well as NRC rules and regulations applicable to the temporary jobsite.

¹ Temporary jobsites are site-specific; for example, under 10 CFR 34.3, "Definitions," a temporary jobsite for services pertaining to radiographic services is "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," whereas, under 10 CFR 39.2, "Definitions," a temporary jobsite for services pertaining to well logging is "a place where licensed materials are present for the purpose of performing well logging or subsurface tracer studies."

Subpart A, “General Provisions,” of 10 CFR Part 71 contains the relevant NRC requirements for packaging, preparation for shipment, and transportation of licensed material, as well as requirements for procedures and standards for NRC approval of packaging and shipping procedures for fissile material and for a quantity of other material in excess of a Type A quantity. Specifically, 10 CFR 71.0(c) states that

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.

Furthermore, 10 CFR 71.5(a) states that

Each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the [Department of Transportation (DOT)] regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

In addition, 10 CFR 71.5(b) states that

If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUMMARY OF ISSUE

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 Part 71 for the removal and packaging of radioactive material by an NRC licensed service provider; specifically, whether 10 CFR Part 71 requirements are applicable when a service provider is conducting the removal of a self-shielded irradiator. The staff reviewed the requirements and determined that 10 CFR Part 71 requirements are not applicable to movement of radioactive material if such movement is limited to the boundaries of a temporary jobsite controlled by an NRC licensed service provider.

Because the removal and packaging of radioactive material by an NRC licensed service provider occurs within the temporary jobsite (as defined by the applicable section of 10 CFR), and because that temporary jobsite becomes the licensed site of usage, the activities do not fall within the scope of 10 CFR 71.0(c), or 10 CFR 71.5(a) or 10 CFR 71.5(b). The service provider’s license authorizes a service provider to move radioactive material within the boundaries of a temporary jobsite, which includes the area that is needed to move the radioactive material from the facility to the carrier for transport—including, potentially, a closed public road or an area outside the facility’s site of usage. 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, “Standards for Protection Against Radiation”; access and security controls pursuant to 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material”; and any license-specific conditions regarding temporary jobsites, if applicable.

This RIS was sent out for public comment. The comment period closed on May 5, 2025. The NRC received three comment submissions during the comment period from interested stakeholders. These comments were addressed and resolved in “U.S. Nuclear Regulatory Commission Responses to Public Comments on Draft Regulatory Issue Summary: Applicability of Requirements During the Movement of Radioactive Material Within a Temporary Jobsite” (ML25154A414).

BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS provides information that clarifies the applicability of the requirements of 10 CFR Part 71 to licensed service providers. This RIS requires no action or written response. Therefore, the RIS does not contain a new or changed NRC staff position or an interpretation of the regulations that would constitute backfitting as defined in 10 CFR 50.109, “Backfitting”; 10 CFR 70.76, “Backfitting”; 10 CFR 72.62, “Backfitting”; and does not represent an inconsistency with the applicable issue finality provisions in 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants.”

FEDERAL REGISTER NOTIFICATION

The NRC published a notice of opportunity for public comment on this RIS in the Federal Register (90 FR 11391) on March 6, 2025. The agency received comments from three commenters. The staff considered all comments, which resulted in no changes to the RIS. The evaluation of these comments to the RIS are discussed in a publicly available memorandum dated June 2, 2025 (ML25154A414).

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 et seq.). Existing requirements were approved by the Office of Management and Budget (OMB) under approval number 3150-0008.

Public Protection Notification

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

CONTACT

Please direct any questions about this matter to the technical contact listed below.

/RA/

Dafna Silberfeld, Director
Division of Materials, Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

/RA/

Heather Jones, Acting Deputy Director
Division of Reactor Oversight
Office of Nuclear Reactor Regulation

Technical Contact: Alessandra Marra, NMSS
(301) 415-2509
E-mail: alessandra.marra@nrc.gov

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

NRC REGULATORY ISSUE SUMMARY 2026-03, "APPLICABILITY OF TITLE 10 OF THE CODE OF FEDERAL REGULATIONS PART 71 REQUIREMENTS DURING THE MOVEMENT OF RADIOACTIVE MATERIAL WITHIN A TEMPORARY JOBSITE," DATE: MARCH 24, 2026

ADAMS Accession Numbers:

Package: ML26083A207

FRN: ML25337A358

RIS: ML25164A046

e-Concurrence Case: 20240724-80012