



**CABINET FOR HEALTH AND FAMILY SERVICES  
DEPARTMENT FOR PUBLIC HEALTH**

Steven L. Beshear  
Governor

**Radiation Health Branch**  
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<http://www.chfs.ky.gov/dph/radioactive.htm>

Audrey Tayse Haynes  
Secretary

November 20, 2015

Re: Registration with US NRC as a Type B Package Shipper as Required by US DOT Regulations

Dear industrial radiographer licensee,

Our office has been accompanying US Department of Transportation enforcement officers on inspections of our industrial radiography licensees with specific licenses issued by our office over the past six months. If your company has not received one of these joint inspections up till now here in the Commonwealth of Kentucky, rest assured that you will in the coming months and years. On a recent inspection of a one such KY radiography licensee, the US DOT inspectors questioned our licensee as to whether or not they had registered with the US Nuclear Regulatory Commission due to the fact the company shipped Type B packages, both radiography projection devices and source changers. This requirement came as a complete surprise to both us and our licensee. This office, myself included, was not aware of any requirement in our Kentucky Administrative Regulations 902 KAR 100 which required an industrial radiography licensee to register with the NRC if the company ship Type B packages. However, now after inspecting with the US DOT, we have been educated to the fact that US DOT regulations 49 CFR 173.471 do in fact require such a US NRC registration. Obviously, US DOT regulations apply in all states throughout the US, not just in states regulated by the US NRC.

**49 CFR 173.471 Requirements for U.S. Nuclear Regulatory Commission approved packages.**

<http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol2/xml/CFR-2011-title49-vol2-sec173-471.xml>

In addition to the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) and other requirements of this subchapter, any offeror of a Type B(U), Type B(M), or fissile material package that has been approved by the NRC in accordance with 10 CFR part 71 must also comply with the following requirements:

(a) The offeror shall be registered with the USNRC as a party to the packaging approval, and make the shipment in compliance with the terms of the packaging approval;

But having been made aware of this US NRC registration requirement by US DOT, our office is now making a concerted effort to inform all of NDT companies with KY specific license authorizing the possession and use of industrial radiography projection devices (aka cameras) and source changers that they are in fact required to register with the NRC as a shipper of those Type B devices. This applies to all cameras and source changers with separate Certificates of Compliance (CoC) issued by the NRC. Hopefully this will allow our licensees to fulfill this NRC registration requirement BEFORE the US DOT inspectors discover the deficiency on a future inspection and issue a citation.

This office has been in contact with the NRC regarding this matter and the NRC has informed us that notification to the NRC as a Type B package shipper should be made in writing to the following address.

ATTN: Document Control Desk  
Director, Division of Spent Fuel Management  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

If you have questions regarding Type B package shipper registration or if you wish to submit the company's Type B shipper notification letter via e-mail, the following individuals can be contacted

Michele Sampson  
Nuclear Materials Safety and Safeguards  
Division of Spent Fuel Management  
Spent Fuel Licensing Branch  
Tel: (301) 415-7493  
E-mail: [Michele.Sampson@nrc.gov](mailto:Michele.Sampson@nrc.gov)

Bernard White  
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Tel: 301-415-6577  
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Michelle Debose  
Licensing Branch Chief  
Division of Spent Fuel Storage and Transportation (SFST)  
E-mail: [michelle.debose@nrc.gov](mailto:michelle.debose@nrc.gov)

After speaking with these individuals, we were informed that only three KY industrial radiography licensees had registered with the NRC as Type B package shippers under their KY specific licenses. However, if the company has registered with the NRC under another Agreement State or NRC license, the requirement for registration has been fulfilled according to the NRC. The NRC considers the requirement for registration a company requirement and not a requirement for each and every license (NRC and Agreement State) under which the company may conduct licensed activities. Current CoCs can be obtained for any Type B package on the US Department of Energy's Radioactive Materials Packaging website, RAMPAC at <https://rampac.energy.gov/home/package-certification-information/certificates/nrc>.

Please feel free to contact this office if you have any questions or comments regarding this matter.

Sincerely,



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