

(b) During well logging, except when radiation sources are below ground or in shipping or storage containers, the logging supervisor or other individual designated by the logging supervisor shall maintain direct surveillance of the operation to prevent unauthorized entry into a restricted area, as defined in § 20.1003 of this chapter.

[52 FR8234, Mar. 17, 1987, as amended at 63 FR 39483, July 23, 1998]

§ 39.73 Documents and records required at field stations.

Each licensee shall maintain the following documents and records at the field station:

- (a) A copy of parts 19, 20, and 39 of NRC regulations;
- (b) The license authorizing the use of licensed material;
- (c) Operating and emergency procedures required by § 39.63;
- (d) The record of radiation survey instrument calibrations required by § 39.33;
- (e) The record of leak test results required by § 39.35;
- (f) Physical inventory records required by § 39.37;
- (g) Utilization records required by § 39.39;
- (h) Records of inspection and maintenance required by § 39.43;
- (i) Training records required by § 39.61(d); and
- (j) Survey records required by § 39.67.

§ 39.75 Documents and records required at temporary jobsites.

Each licensee conducting operations at a temporary jobsite shall maintain the following documents and records at the temporary jobsite until the well logging operation is completed:

- (a) Operating and emergency procedures required by § 39.63.
- (b) Evidence of latest calibration of the radiation survey instruments in use at the site required by § 39.33.
- (c) Latest survey records required by §§ 39.67 (b), (c), and (e).
- (d) The shipping papers for the transportation of radioactive materials required by § 71.5 of this chapter; and
- (e) When operating under reciprocity pursuant to § 150.20 of this chapter, a copy of the Agreement State license authorizing use of licensed materials.

§ 39.77 Notification of incidents and lost sources; abandonment procedures for irretrievable sources.

(a) The licensee shall immediately notify the appropriate NRC Regional Office by telephone and subsequently, within 30 days, by confirmation in writing, using an appropriate method listed in § 30.6(a) of this chapter, if the licensee knows or has reason to believe that a sealed source has been ruptured. The written confirmation must designate the well or other location, describe the magnitude and extent of the escape of licensed materials, assess the consequences of the rupture, and explain efforts planned or being taken to mitigate these consequences.

(b) The licensee shall notify the Commission of the theft or loss of radioactive materials, radiation overexposures, excessive levels and concentrations of radiation, and certain other accidents as required by §§ 20.2201–20.2202, § 20.2203 and § 30.50 of this chapter.

(c) If a sealed source becomes lodged in a well, and when it becomes apparent that efforts to recover the sealed source will not be successful, the licensee shall—

(1) Notify the appropriate NRC Regional Office by telephone of the circumstances that resulted in the inability to retrieve the source and—

(i) Obtain NRC approval to implement abandonment procedures; or

(ii) That the licensee implemented abandonment before receiving NRC approval because the licensee believed there was an immediate threat to public health and safety; and

(2) Advise the well owner or operator, as appropriate, of the abandonment procedures under § 39.15 (a) or (c); and

(3) Either ensure that abandonment procedures are implemented within 30 days after the sealed source has been classified as irretrievable or request an extension of time if unable to complete the abandonment procedures.

(d) The licensee shall, within 30 days after a sealed source has been classified as irretrievable, make a report in writing to the appropriate NRC Regional Office. The licensee shall send a copy of the report to each appropriate State or Federal agency that issued permits or

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otherwise approved of the drilling operation. The report must contain the following information:

- (1) Date of occurrence;
- (2) A description of the irretrievable well logging source involved including the radionuclide and its quantity, chemical, and physical form;
- (3) Surface location and identification of the well;
- (4) Results of efforts to immobilize and seal the source in place;
- (5) A brief description of the attempted recovery effort;
- (6) Depth of the source;
- (7) Depth of the top of the cement plug;
- (8) Depth of the well;
- (9) The immediate threat to public health and safety justification for implementing abandonment if prior NRC approval was not obtained in accordance with paragraph (c)(1)(ii) of this section;
- (10) Any other information, such as a warning statement, contained on the permanent identification plaque; and
- (11) State and Federal agencies receiving copy of this report.

[52 FR 8234, Mar. 17, 1987, as amended at 56 FR 64980, Dec. 13, 1991; 58 FR 67660, Dec. 22, 1993; 65 FR 20345, Apr. 17, 2000; 68 FR 58806, Oct. 10, 2003]

Subpart F—Exemptions

§ 39.91 Applications for exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

Subpart G—Enforcement

§ 39.101 Violations.

- (a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—
 - (1) The Atomic Energy Act of 1954, as amended;
 - (2) Title II of the Energy Reorganization Act of 1974, as amended; or
 - (3) A regulation or order issued pursuant to those Acts.

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(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

- (1) For violations of—
 - (i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;
 - (ii) Section 206 of the Energy Reorganization Act;
 - (iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;
 - (iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.
- (2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

[57 FR 55074, Nov. 24, 1992]

§ 39.103 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 39 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 39 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 39.1, 39.2, 39.5, 39.8, 39.13, 39.91, 39.101, and 39.103.

[57 FR 55074, Nov. 24, 1992]

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

GENERAL PROVISIONS

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- 40.1 Purpose.
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- 40.2a Coverage of inactive tailings sites.
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