

UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

REGIONAL TECHNICAL ASSISTANCE REQUEST FORM

Date: September 12, 2000

Mail and E-Mail Donald A. Cool, Ph.D. (DAC), Director
to: Division of Industrial and Medical Nuclear Safety, NMSS
 For E-Mail, cc: IMNS Secretary

From:

Dwight D. Chamberlain, Director
Division of Nuclear Materials Safety, RIV

Licensee: Bayou Testing Services, Inc.
Louisiana license LA-7112-L01

Control Number: N/A (if applicable)

Letter dated: August 28, 2000, and enclosures

Enforcement Action being held in abeyance: () Yes (X) No

Suggested change in licensing procedure (enclosed): None

Problem/Issue:

.(if applicable)

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Bayou Testing Services, Inc., a Louisiana specific licensee has requested an exemption from the requirements specified in 10 CFR 34.20 to use Gamma Industries Pipeliner Model 1 exposure devices. This Louisiana licensee uses byproduct material in NRC jurisdiction under the authority of a general license pursuant to the provisions of 10 CFR 150.20. 10 CFR 150.20(b) requires that general licensees comply with the requirements of Subparts C through H of 10 CFR Part 34 in addition to other regulations.

Section 34.20 of 10 CFR Part 34 states, in part, that each radiographic exposure device, source assembly or sealed source, and all associated equipment must meet the requirements specified in American National Standards Institute, N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography." The exposure device requested by this general licensee does not satisfy these requirements. This exemption request was submitted due to the unique capabilities of the device and the unavailability of other exposure devices to perform the needed inspection of pipeline

construction.

As the primary reasons for requesting an exemption, the licensee cites concerns over the safety of using alternate devices not intended for the inspection of pipeline construction, and the significant economic impact on their industry should they be prohibited from using these devices.

Donald A. Cool -2-

The State of Louisiana's Department of Environmental Quality has granted this specific licensee an exemption to use this device throughout the State of Louisiana, in areas not under exclusive Federal jurisdiction (copy of Louisiana Radioactive Material License attached).

Action Requested:

Determine if the request for an exemption from the requirements specified in 10 CFR 34.20 may be granted for use of the Gamma Industries Pipeliner Model 1 exposure device in accordance with 10 CFR 34.111

Recommended Action and Alternatives: (X) Approve or () Reject

TARs addressing similar issues (subject and date): N/A

Background documents (identify those not sent electronically):

Memorandum dated August 20, 1998, from William H. Spell, Administrator, Radiation Protection Division, Department of Environmental Quality, State of Louisiana

Environmental Assessment, Finding of No Significant Impact, and Notice of Opportunity for a Hearing, dated August 15, 2000, for Gulf Coast International Inspection, Inc., Louisiana License LA-7396-1_01

Remarks:

This exemption request was prompted by a memorandum (copy enclosed) dated August 20, 1998, from William H. Spell, Administrator, Radiation Protection Division, Department of Environmental Quality, State of Louisiana, to Louisiana Industrial Radiography and Well Logging Licensees. The subject of the August 20, 1998, memorandum is "Performing Licensed Activities in Areas of NRC Jurisdiction Including Non-Agreement States, Federal Facilities, and in OffShore Waters." The memorandum includes information on the requirements of 10 CFR 34.20 and the need for Louisiana licensees using equipment that does not meet 34.20 requirements to file an exemption request with the NRC in accordance with 10 CFR 34.111 in order to continue to work within NRC jurisdiction.

Headquarters Reviewer:

Regional Reviewer: Christi Hernandez

Reviewer Code: T2

Reviewer Phone Number: (817) 860-8217 FAX Number: (817) 860-8263

Request Needed by: ASAP

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bcc:

DDChamberlain, D/DNMS

LLHowell, SMA/DNMS