

July 9, 2003

Ms. Cathleen Roughan
Regulatory Affairs Manager
AEA Technology QSA, Inc.
40 North Avenue
Burlington, MA 01803

Dear Ms. Roughan:

I am responding to the petition for rulemaking, dated March 28, 1996, that you submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of Amersham Corporation (now known as AEA Technology QSA, Inc.). Your petition was docketed as PRM-34-5 and requested NRC to amend its regulations in 10 CFR 34.20, "Performance requirements for industrial radiography equipment," by removing reference to associated equipment in § 34.20, by clarifying the current regulations for radiography equipment performance standards that you believe are not clearly defined, and by amending § 34.28 to require routine inspection and maintenance of associated equipment.

The notice of receipt of the petition was published in the Federal Register on June 18, 1996 (61 FR 30837). The comment period closed on September 30, 1996. Eight comment letters were received. The reasons for our extensive delay to respond to your requests are provided on pages 4 and 5 of the enclosed Federal Register notice.

NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed Federal Register notice, your petition for rulemaking is denied. In summary, the petition is being denied because we have determined that registration of associated equipment is not required. Therefore, we are changing NRC practice contained in guidance and inspection procedures, to not include associated equipment in the registration process. This information will be provided to affected internal and external stakeholders via a regulatory issue summary (RIS). In addition, we believe it is important to retain the reference to the American National Standards Institute (ANSI), N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography" (ANSI N432), which is incorporated by reference in § 34.20, to ensure that radiography equipment meets the minimum performance criteria to protect health and minimize danger to life and property. At the time of your request to amend § 34.28, NRC had already proposed rulemaking to include routine inspection and maintenance of associated equipment in § 34.31, as stated in the current regulations.

The Federal Register notice denying the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Annette Vietti-Cook
Secretary of the Commission