

Attachment 1

Excerpt from Final IMPEP Report

From Section 4.1.2:

The review team noted that the Department's "two-person" rule for the conduct of industrial radiography operations in Title 25, Section 289.255(v)(7)(G) does not require the second qualified individual to observe the operations and be capable of providing immediate assistance to prevent unauthorized entry unless the radiographer trainee is operating the equipment. In this case, the radiographer trainer must maintain direct surveillance of the radiographer trainee when operating the equipment. NRC's requirement in 10 CFR 34.41(a) states that radiography cannot be performed if only one qualified individual is present. The review team discussed this matter with the Department and they indicated that if a radiographer trainee is not present at the temporary job site, one of the two qualified radiographer and/or radiographer trainer does not need to observe radiographic operations.

The compatibility requirement for the "two-person" rule requires that the State's regulation be "essentially identical" to the NRC's due to trans-boundary implications (Category B). The Department stated that the current version of their "two-person" rule has been part of the Department's regulations since 1986 and was adopted at that time along with specific training requirements. The review team concluded that the Department's "two-person" rule is not compatible with the equivalent NRC regulation.

The review team submitted the Department's "two-person" rule to OGC for their review. OGC determined that the Texas rule does not meet Compatibility Category B as defined in Management Directive 5.9 and thus the Texas rule is not compatible with NRC's rule. In their detailed response to the draft IMPEP report, the Department stated that they disagree with NRC's prescriptive interpretation of the requirement for a two-person crew and noted that their requirements more directly address the historical root causes of the large number of industrial radiography overexposures seen prior to adoption of their regulations in 1986. The review team noted and the MRB concurred, that the Department presented sufficient information to warrant reconsideration of how this rule should be implemented. The review team recommends that NRC, in coordination with the Agreement States, re-evaluate the two-person rule to assess the effectiveness of the intended outcomes, including experience from past events, and propose a strategy and rule interpretation that best achieves the goal of safety.

Based on the IMPEP evaluation criteria, the review team recommends that Texas' performance with respect to the indicator, Legislation and Program Elements for Compatibility, be found satisfactory.