April 26, 1979

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SECY-79-294

UNITED STATES
NUCLEAR REGULATORY COMMISSION

CONSENT CALENDAR ITEM

For: The Commissioners

From: Robert B. Minogue, Director, Office of Standards Development

Thru: Executive Director for Operations

Subject: REDUCTION OF RADIOGRAPHY OVEREXPOSURES

Purpose: To obtain Commission approval to publish amendments to 10 CFR Part 34 as a final rule intended to improve radiography safety and make the regulations on radiography more compatible with current licensing practices.

Discussion: In SECY-78-57, "Reduction of Radiography Overexposures," the staff presented the Commission with five actions that could potentially reduce the rate of overexposures among radiographers. One of these actions was to amend 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations." That action is the subject of this paper. A status report on the other 4 actions is presented in Enclosure "G".

The amendments to 10 CFR Part 34 would require several changes in safety procedures intended to improve radiography safety. However, it is recognized that the amendments will not eliminate radiography overexposures. The proposed amendments, which were contained in SECY-78-57, were approved by the Commission and published for public comment on March 27, 1978. Comments were received from 49 persons. An analysis of the public comments is presented in Enclosure "C".

The two proposed amendments most strongly opposed were (1) the definition of the supervision a radiographer must give to an assistant radiographer and (2) an explicit requirement on surveying the boundaries of restricted areas.

With respect to the supervision question, commenters pointed out that the proposed definition of supervision would prevent an assistant radiographer from independently conducting surveys of restricted area boundaries. The commenters said that an assistant could readily be trained to make such surveys competently and that such surveys are not critical for preventing overexposures. The staff agrees that an assistant radiographer should be able to survey restricted area boundaries without being watched. The wording of the amendment was changed to limit the requirement for watching the assistant during surveys to that survey performed to show that the radioactive source has been returned to its shielded position in the radiographic exposure device. The

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staff believes that requiring the radiographer to watch the assistant during this survey is critical to safety. Direct observance is not critical for other surveys.

With respect to surveys, commenters also said the explicit requirement to survey restricted area boundaries was too inflexible, could increase radiation exposure in many instances, and would be very time consuming and burdensome in many cases. The staff agrees with these comments. The proposed amendment removed a great deal of flexibility as to when and how a restricted area survey should be made. Therefore this amendment has been deleted. The requirement to survey the boundary would continue to be based on the general Part 20 requirements.

In response to other comments, some of the other amendments have been slightly revised. The wording of the effective rule is contained in the attached *Federal Register* Notice (Enclosure "A"). A value/impact statement on the amendments is provided in Enclosure "D".

Recommendation: That the Commission:

(1) Approve publication of the amendments in Enclosure "A";

(2) Note:

   (a) That the amendments will be effective in six months;

   (b) These amendments will have virtually no manpower or dollar costs to the NRC. Licensing should be made slightly easier for the staff because correspondence on some of these issues should be reduced. Inspections should be completed in the same time as before.

   (c) That in accordance with 10 CFR 51.5(d)(3), neither an environmental impact statement nor a negative declaration need be prepared since the amendments are nonsubstantive and insignificant from the standpoint of environmental impact;

   (d) That the Subcommittee on Energy and the Environment of the House Interior and Insular Affairs Committee, the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce, and the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works will be informed by a letter such as Enclosure "F";

(e) That a public announcement such as in Enclosure "B" will be issued when the amendments are filed with the Office of the Federal Register;

(f) That each NRC radiography licensee will be mailed a copy of the Federal Register notice;

(g) That clearance of the recordkeeping requirements by the General Accounting Office will be obtained prior to the rule becoming effective; and

(h) A recordkeeping justification analysis is attached as Enclosure "E".

Coordination: The Offices of Nuclear Material Safety and Safeguards, Inspection and Enforcement, State Programs, and Administration concur in the recommendations of this paper. The Offices of the Executive Legal Director and General Counsel have no legal objection. The Office of Policy Evaluation recommended that "the Commission should act favorably on the proposed final rule as a significant step toward reducing the frequency of radiography overexposures," but expressed dissatisfaction with the pace of completing other related actions. The OPE memorandum is attached as Enclosure "H"; Enclosure "G" has been revised to include target dates for related actions as OPE requested. The Office of Management and Program Analysis has reviewed the Value/Impact Statement. The Paperwork Reduction Subgroup has reviewed the recordkeeping requirements. The Office of Public Affairs wrote the draft public announcement.

Anticipated Scheduling: For affirmation at an open meeting.

Robert B. Minogue, Director
Office of Standards Development

Enclosures:
"A" - Federal Register Notice
"B" - Public Announcement
"C" - Analysis of Public Comments on Proposed Amendments of 10 CFR Part 34
"D" - Value/Impact Statement on Amendments of 10 CFR Part 34
"E" - Recordkeeping Justification
"F" - Draft letter to Congressional Committees
"G" - Status of Actions Dealing with Industrial Radiography
"H" - OPE Comments

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Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Wednesday, May 9, 1979.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT May 3, 1979, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of May 21, 1979. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

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ENCLOSURE A

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