



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 5 1979

MEMORANDUM FOR: Lee V. Gossick
Executive Director for Operations

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

SUBJECT: DENIAL OF PETITION FOR RULEMAKING WITH REGARD TO THE SURFACE
RADIATION LEVEL LIMIT FOR RADIOGRAPHIC EXPOSURE DEVICES
(PRM-34-1)

Enclosed for your signature are (1) a letter notifying Tech/Ops of the denial of a petition (Enclosure A), and (2) a Federal Register Notice of denial of petition for rulemaking (Enclosure B).

By letter dated April 15, 1977 (Enclosure D), Tech/Ops has requested the NRC to amend 10 CFR 34.21 to change the way of measuring surface radiation levels from radiographic exposure devices. Because of the practical difficulty of measuring radiation levels exactly at the surface, the petitioner requested that the current surface radiation level limit for reporting (200 mr/hr at the surface) be changed to 100 mr/hr at 5 cm from surface of the package. The petitioner also requested that radiation levels be determined by measurements averaged over a cross-sectional area of 10 cm² with no linear dimension greater than 5 cm.

A related petition (PRM-20-9) for a similar change in Part 20 was previously denied by you on April 13, 1979 (44 Federal Register 22232).

Receipt of petition (PRM-34-1) was noticed in the Federal Register on May 19, 1977. No public comments on the petition were received.

After careful consideration of the petition, the staff has concluded that the petition should be denied because the adoption of the proposed change without the corresponding change in Part 20 would lead to difficulties for licensees without a corresponding benefit in improved health and safety. A detailed analysis of the petition is presented in the enclosed Federal Register Notice (Enclosure B).

It is my view that the petition for rulemaking (PRM-34-1) is of a minor or non-policy nature where the grounds for denial do not substantially modify existing precedent. In accordance with 10 CFR 1.40(o), I recommend you approve the publication of the enclosed Federal Register Notice for denial and the letter to the petitioner.

Contact:
Stephen A. McGuire, SD
443-5970

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Following your approval, note that:

- (1) Appropriate Congressional Committees will be notified of the denial (Enclosure C),
- (2) The Commission will be informed of the denial through the Weekly Information Report.
- (3) The issuance of denial will be published in Nuclear Regulatory Commission Issuances, and
- (4) No public announcement will be issued on this matter.

Coordination: The Offices of Nuclear Material Safety and Safeguards, State Programs, and Inspection and Enforcement concur in this memorandum. The Office of the Executive Legal Director has no legal objection. The Office of Public Affairs concurs that a public announcement is not warranted.

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

Enclosures:

- "A" - Letter from Gossick to Munro
- "B" - Federal Register Notice
- "C" - Draft Letter from Minogue to Congressional Committees
- "D" - Letter from Munro to Secretary, April 15, 1977

Approved for Publication

Under 10 CFR 1.40(o), the Executive Director for Operations has been delegated authority to deny petitions for rulemaking of a minor or non-policy nature, where the grounds for denial do not substantially modify existing precedent. I have found that the enclosed denial is in this category and am proceeding to issue it.

(Signed) Lee V. Gossick

L. V. Gossick
Executive Director for Operations

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