



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

PDR

OCT 22 1979

The Honorable John D. Dingell, Chairman  
Subcommittee on Energy and Power  
Committee on Interstate and Foreign Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed for the information of the Subcommittee are copies of a Notice of Denial of Petition for Rule Making to be published in the Federal Register.

By letter dated June 8, 1978, the Subcommittee was provided with copies of PRM 71-7 filed by Mr. Walter P. Peeples, Jr., President, Non Destructive Testing Management Association to amend the Commission's regulations.

The petitioner requested the Commission to (1) remove Appendix E - Quality Assurance Criteria for Shipping Packages for Radioactive Material - from 10 CFR Part 71 and (2) delay the effective date of implementation of Appendix E until a proper hearing could be conducted. The request is based on the contention that (1) there was inadequate notification and discussion of the proposed rule, (2) implementation of the rule would create an expensive paperwork program, and (3) there exists a lack of uniformity between Agreement State licensees and NRC licensees which results in unfair competition.

The Commission's Executive Director for Operations has denied the petition on the following grounds:

1. The record shows that both the proposed rule and the effective rule were published in the Federal Register inviting public comments, and the Commission did attempt to notify affected persons.
2. Requiring that licensees have an effective QA program for packaging and transportation will improve safety.
3. The paperwork associated with the QA requirements for transportation is not overly expensive or insurmountable.
4. Differences in the QA requirements for packaging and transportation imposed on NRC and Agreement State licensees are not large and are being eliminated by requesting DOT to upgrade its quality assurance requirements.

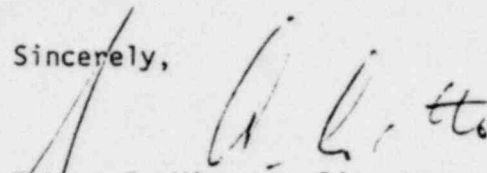
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Enclosed also are copies of a letter notifying Mr. Peeples of the denial of petition for rule making PRM 71-7.

Sincerely,

  
Robert B. Minogue, Director  
Office of Standards Development

Enclosures

1. Federal Register Notice
2. Letter Walter P. Peeples

cc: Rep. Clarence J. Brown

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MAILING LIST

The Honorable Gary Hart, Chairman  
Subcommittee on Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

cc: Sen. Alan Simpson

The Honorable Morris K. Udall, Chairman  
Subcommittee on Energy and the Environment  
Committee on Interior and Insular Affairs  
United States House of Representatives  
Washington, D.C. 20515

cc: Rep. Steven Symms

The Honorable John D. Dingell, Chairman  
Subcommittee on Energy and Power  
Committee on Interstate and Foreign Commerce  
United States House of Representatives  
Washington, D.C. 20515

cc: Rep. Clarence J. Brown

The Honorable Toby Moffett, Chairman  
Subcommittee on Environment Energy and  
Natural Resources  
Committee on Government Operations  
United States House of Representatives  
Washington, D.C. 20515

cc: Rep. Paul N. McCloskey, Jr.

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## REQUEST FOR COMMENTS ON PETITION

A notice of filing of the petition, Docket No. PRM 71-7, was published in the FEDERAL REGISTER on June 14, 1978 (43 FR 25749). Interested persons were invited to submit written comments or suggestions concerning the petition by August 14, 1978. Thirty-nine comments were submitted, including one from the Air Transport Association of America attaching separate comment letters from six airline companies, and including one from Gulf Nuclear Incorporated as a protest under which the description of their quality assurance program was being filed.

Of the thirty-nine comments, thirty-two either indicated support for the petitioners request for removal of appendix E or separately asked for its removal; twenty-eight thought that there was a lack of justification for Appendix E or that the requirements in Appendix E duplicated other requirements; twenty-seven cited large costs and expensive paperwork with these QA requirements; and fifteen believed the requirements had been forced on the industry without consultation.

Six of the commenters were well-logging licensees who normally ship type A quantities of radioactive material and, thus, are not subject to the QA requirements of 10 CFR Part 71. One of these persons suggested that, ". . .this requirement could, on occasion, delay the transportation, handling and manufacture of such sources to final end users. . .". The Commission is not aware of any delays that could occur unless they were due to safety-related aspects of the transportation and, as such, the QA p

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