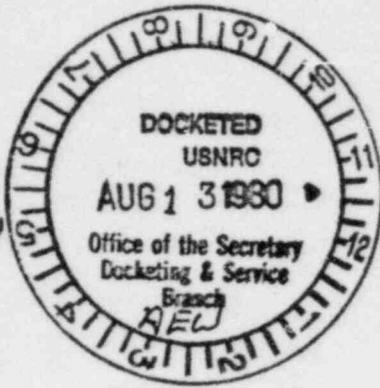


TPD 27-1

Tech/Ops



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11 August 1980 DOCKET NUMBER ②  
PETITION RULE PRM-71-8  
(45 FR 39519)

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Dear Sir:

This letter is written in response to the petition for rulemaking filed by Foster Wheeler Energy Corporation (Docket Number PRM-71-8). We wish to register ourselves strongly in favor of this petition.

The regulations of 10CFR71.12(b) require users of a package to have a copy of "all documents referred to in the ...certificate." These documents include safety evaluations of the structural and thermal properties of the package, test reports and assorted additional information. It is difficult to understand how this information would be beneficial to safety for industrial radiography licensees.

In order to obtain a license to perform industrial radiography, a user must present to NRC complete, detailed operating instructions covering the use, maintenance, storage and transportation of the packages he will possess. The NRC lists in the license, by manufacturer and model number, the packages which he is authorized to possess. One would expect that once the NRC has reviewed and approved specific procedures for each package prior to issuing a license, a requirement for the licensee to maintain additional information on file would be superfluous.

A similar petition was filed by Chem Nuclear Systems, Inc. (PRM-71-5). But this petition cited different supporting reasons. It was denied on the grounds that "The right of the public to be full(y) apprised as to the bases for licensing... outweighs the concern... for protection of a competitive position...".

We would agree with the NRC position. However, the Foster Wheeler Energy Corp. petition would not abridge the public right in this regard. The documents referred to in the certificate are presently, and would continue to be, available to the public through the public document room. We feel that there is a significant difference between affording the public the right to be informed and requiring licensees to maintain documents which are of little (if any) use to them.

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Acknowledged by card.....



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Secretary of the Commission

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The cost to a licensee to obtain and maintain these documents is not insignificant, yet we fail to see any safety benefit afforded to the licensee by having them. The Foster Wheeler petition indicates that "During the years we have had the "referred" documents on file, we have not had any occasion arise where these documents proved to be either needed or useful." We would expect that the same response could be made by any radiography licensee. We would be interested in a value-impact analysis of this requirement.

In conclusion, we would like to reiterate our endorsement of this petition. We feel that its acceptance would relieve the industry from a chore which has no benefit toward improved safety, and yet would leave intact the right of public access to the information.

Sincerely,

A handwritten signature in cursive script, appearing to read 'John J. Munro III', is written over the typed name.

John J. Munro III  
Technical Director

JJM/fb

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