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

AUG 13 1980

PRM 71-8

Mr. Bruce Kovacs
Senior Radiographer
Foster Wheeler Energy Corporation
110 South Orange Avenue
Livingston, New Jersey 07039

Dear Mr. Kovacs:

Subject: Petition That NRC Exempt Industrial Radiographers From Certain
Requirements of 10 CFR 71.12(b)(1)(i) (Your Letter 3/10/80)

Mr. Felton's letter of June 3, 1980, considered as a petition for rule making your request that the NRC exempt persons licensed under 10 CFR Part 34 who deliver licensed material to a carrier for transport under the general license in 10 CFR 71.12 from maintaining documentation other than the certificate of compliance for a given sealed source shipping container. Mr. Felton's letter assigned Docket Number PRM-71-8 to indicate that your request is the 8th petition for rule making concerned with the Commission's regulation 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions."

On June 11, 1980, we published in the Federal Register a notice of receipt of your petition (copy enclosed) and called for submission of comments by August 11, 1980. As of today, we have received no letters of comment in response to the notice.

We will consider available data and information as we progress in our review of your petition. When the Commission arrives at a decision, we will inform you of the actions the Commission will take in response to your petition.

A handwritten signature in cursive script that reads "James J. Henry".

James J. Henry
Transportation and Product Standards Branch
Office of Standards Development

Enclosure:
45 FR 39519

8009050337

NUCLEAR REGULATORY
COMMISSION

10 CFR Part 71

[Docket No. FRM-71-8]

Foster Wheeler Energy Corp.; Filing of
Petition for Rulemaking

AGENCY: U.S. Nuclear Regulatory
Commission.

Action: Publication of petition for rulemaking from Foster Wheeler Energy Corporation.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment, as a petition for rulemaking, a motion filed before the Commission on March 19, 1980, by Foster Wheeler Energy Corporation. This petition, which has been assigned Docket No. PRM-71-8, requests that the Commission " . . . exempt persons licensed pursuant to 10 CFR 34 for Industrial Radiography from the provision of 10 CFR 71.12(b)(1)(i) requiring that such persons have a copy of " . . . all documents referred to in the license, certificate, or other approval " . . . in order to be able to deliver licensed material to a carrier for transport under the general licensing provisions of 10 CFR 71.12." The petitioner further states that "it is adequate for a radiography licensee to have on file just the Certificate of Compliance for a given source shipping container."

DATE: Comment period expires August 11, 1980.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

SUPPLEMENTARY INFORMATION: The petitioner states that radiography licensees are authorized by NRC to use only specific sources and source shipping containers and that (Foster Wheeler) " . . . cannot register with the NRC Transportation Branch to be a user of a package unless we are also licensed to use that same package by the NRC Radioisotopes Licensing Branch."

The petitioner, an NRC Byproduct Material Licensee, states that the preparation of its written procedures concerning the use and transporting of source shipping containers (as specified

in §§ 34.32 and 71.51) was accomplished without using the information required by § 71.12(b)(1)(i), yet these procedures apparently meet NRC requirements.

The petitioner further states that the documents which are maintained pursuant to § 71.12(b)(1)(i) have not proved to be needed or useful on other occasions and that "the regulation, as it pertains to our license category [Industrial Radiography Licensees], offers no positive effect on the safe transportation of radioactive material and should be withdrawn."

A recently denied petition (Chem-Nuclear Systems, PRM-71-5) was filed on similar grounds; however, the petitioner states that its petition (PRM-71-8) relates to different issues.

Copies of Chem-Nuclear Systems' petition and the Commission's Notice of Denial are also available in the Public Document Room and may be obtained by writing to the Division of Rules and Records at the above address.

Dated at Washington, DC this 4th day of June 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-17573 Filed 6-10-80; 8:45 am]

BILLING CODE 7550-01-M