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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

JUN 11 1993

MEMORANDUM FOR: C. J. Heltemes, Jr., Deputy Director for Generic Issues and Rulemaking, RES

FROM: James Lieberman, Director
Office of Enforcement

SUBJECT: COMMENTS ON PART 34 RULEMAKING

As requested by your memorandum of May 24, 1993, we have reviewed the subject rulemaking and our comments are attached. We note that the proposed rule does not fully reflect the final rule: Clarification of Statutory Authority for Purposes of Criminal Enforcement, published November 24, 1992, and the attached memorandum of February 1, 1993, from H. L. Thompson, Jr. on preparation of rulemaking documents. Additional principal comments note that: (1) consideration must be given to enforcing this rulemaking, specifically the two-person requirement, and (2) the change to the definition of permanent radiographic installation now means one use requires audible and visual alarms; is this what we want?

Before we concur, we need to review (1) the change to reflect the criminal authority rule provisions and (2) what the staff's view is on changing the Enforcement Policy, as suggested in item 3. Please resubmit for our review and concurrence.

James Lieberman, Director
Office of Enforcement

Attachments: As stated

cc: HThompson, DEDS (w/encl 1)
STreby, OGC (w/encls)
RBernero, NMSS (w/encl 1)
CKammerer, SP (w/encl 1)

Enclosure 1

COMMENTS ON PART 34 PROPOSED RULE

1. Enclosure 1, Comparative Rule Text, the fourth page (unnumbered) in the current rule column, does not reflect the existing subpart title "Violations" and sections 34.61 (Violations) and 34.63 (Criminal Penalties), that were added in the 1992 rulemaking discussed above.

   In the Strawman Rule Language column, Subpart H should be titled "Violations" to be consistent with all new subparts added in the 1992 rulemaking, including in Part 34.

   Similarly, on the last two pages of this enclosure, which sets out old and new text, the current sections 34.61 and 34.63 are omitted, and the proposed subpart name "Enforcement" and the text of sections 34.121 and 34.123 needs to be changed to reflect actions recommended in paragraph 2, below.

2. Enclosure 2, draft Federal Register Notice (FRN), on pp. 60-61, item 60, change the name of the heading to "Violations", add new sections 34.121 and 34.123 as follows: delete proposed text for §34.121 and substitute text of current §34.61. Section 34.123 was omitted in the draft FRN and should be added as set out in current §34.63, **except** the list of sections at the end of paragraph (b) should read: "34.1, 34.3, 34.5, 34.7, 34.11, 34.13, 34.45, 34.111, 34.121, and 34.123". On page 8, last line, change "Enforcement" to "Violations", On page 20, the discussion of Subpart H should be modified to reflect the existing provisions.

3. Concerning the requirement for a second radiographer or trained individual, we suggest adding to the FRN a sentence as follows:

   > The Commission is considering amending the Enforcement Policy as result of this proposed rulemaking to provide, as an example of a Severity Level III violation, the conduct of radiography operations without the required second radiographer or individual with the qualifications of a radiographer's assistant, as provided in §34.57.

4. The proposed definition of permanent radiographic installation removes frequency of use as a criterion, so that even one use would require installation of audible and visual alarms. This change appears to be overly restrictive since infrequent use may also be conducted safely by fulfilling the requirements for field radiography. Are we sure we mean to say even one use in a shielded facility requires the audible and visual alarms of a permanent

facility? Can we not specifiy in the regulation a fixed frequency of use, such as four times in a 12-month period?

5. Section 34.19(a) and (d) refer to "storage area, (as defined in §34.3)". The reference to a definition is not used for other defined terms when they are used and should be deleted. It is also noted that the method of setting out the Definitions section, §34.3, without showing existing definitions that are being incorporated, is confusing. It is recommended that all definitions be set out for publication.

6. The title for §34.67 includes records of replacement of sealed sources, but the text of the section does not address that subject. Source change records could be added here or specifically included in §34.73.

7. On page 1 of the draft Commission paper, in "Background," the reference to "Suggested State Regulations for Control of Radiation" does not mention what organization issued that document. The draft Federal Register Notice notes that it was developed by CRCPD. Suggest so noting in the paper.

8. Further comments of an editorial nature are marked on attached page copies (Attachment 2).

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

February 1, 1993

MEMORANDUM FOR: Gerald F. Cranford
Office of Information Resources Management

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Robert M. Bernero, Director
Office of Nuclear Materials Safety
and Safeguards

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Patricia G. Norry, Director
Office of Administration

Ronald M. Scroggins, Deputy Chief
Financial Officer/Controller

FROM: Hugh L. Thompson, Jr.
Deputy Executive Director
for Nuclear Materials Safety,
Safeguards and Operations Support

SUBJECT: PREPARATION OF RULEMAKING DOCUMENTS

The Commission has amended its regulations to clarify the applicability of criminal penalty provisions of the Atomic Energy Act to willful violations of certain of the Commission's regulations. (57 FR 55062, November 24, 1992) This clarification adopts a standard format that adds to each appropriate part a section that addresses criminal penalties. This is important to ensure criminal penalties are applicable to appropriate regulations. The new "Criminal Penalties" sections contain a statement that for the purposes of Section 223 of the Act all the regulations in the part are "... issued under one or more of sections 161b, 161i, or 161o," except as otherwise noted in a separate paragraph." (See example in Enclosure 1) For the new approach to be effective, it is important that all regulations promulgated from now on have an appropriate criminal penalty statement.

To accomplish this, all proposed and final rules should be reviewed by the Office of Enforcement (OE) for potential changes to the Criminal Penalties provisions. At the same time, OE will review the rule to determine if changes to the Enforcement Policy are warranted. The EDO Procedures Manual will be changed to reflect this requirement.

Hugh L. Thompson, Jr.
Deputy Executive Director
for Nuclear Materials, Safety,
Safeguards and Operations Support

Enclosure: As stated

cc: J. Taylor, EDO
J. Sniezek, DEDR
W. Parler, OGC
[redacted]
J. Blaha, AO
B. Hayes, OI
S. Chilk, SECY

§ 34.63 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under Sections 161b, 161i, or 161o of the Act. For purposes of Section 223, all the regulations in Part 34 are issued under one or more of Sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 34 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 34.1, 34.2, 34.3, 34.8, 34.11, 34.51, 34.61, and 34.63.

Section 34.41 Radiation Safety Officer, is proposed which lists the qualifications and duties of the RSO. This section is added to place the requirements for this key individual in the regulations which were previously only referenced in regulatory guides and included as license conditions on a case-by-case basis. The NRC believes that the RSO is the key individual for ensuring safe operations. While this function has not previously been a requirement, it has been general practice to name an individual on the license to be the RSO . The qualifications listed for the RSO in the proposed rule include: 1) completion of the training required for a radiographer as described in Part 34; and 2) 2000 hours of documented experience in industrial radiography with at least 40 hours of formal classroom training with respect to the establishment and maintenance of radiation protection programs. The duties of the RSO in the proposed rule include overseeing procedure implementation and employee training, and monitoring radiation surveys, leak tests, and personnel monitoring results. A key duty of the RSO is to ensure the safe conduct of operations and to stop unsafe operations and institute corrective actions.

Section 34.43 Training, contains several new requirements which are discussed below. Section 34.43(a) has been revised to include training in 10 CFR Parts 30.7, 30.9, and 30.10, applicable sections of 10 CFR Part 71, and in 49 CFR 171-173, in addition to other parts of NRC regulations. Section 34.43(b), which lists training requirements for radiographer's assistants, has been revised to require training in §§ 30.7, 30.9, 30.10, and Parts 19, 20, 34, 71, and 49 CFR 171-173 in addition to the licensee's operating and emergency procedures. These changes are to ensure that radiographers and radiographer's assistants are knowledgeable of the safety requirements

requirements are proposed on the replacement frequency for film and TLDs. In the existing regulation no replacement frequency is specified. A monthly frequency is proposed because the high intensity sources used in radiography can lead to significant exposures, so that monthly monitoring is necessary to maintain an adequate knowledge of the individuals exposure to date and to prevent overexposures.

Section 34.47(b) addresses the use of pocket dosimeters. A requirement is proposed to read dosimeters at the beginning and end of each shift. This is added to ensure that the dose is correctly estimated. The existing regulation only specifies a daily reading which does not provide sufficient instruction on how licensees should handle any readings which remain on the pocket dosimeter after recharging. Since it is nearly impossible to recharge a pocket dosimeter to zero, licensees must take a reading before and after use and subtract the difference to accurately determine the dose. Section 34.47(d) addresses an off-scale pocket dosimeter. The proposed rule requires that in the case of a pocket dosimeter being off-scale the individual will not be permitted to work with licensed material until a determination of the worker's radiation exposure by the RSO or a designee of the RSO is made. The current rule requires sending the film badge or TLD for processing but did not specify when the individual could return to work. The proposed revision provides the criteria that must be met to permit the individual to return to work. A provision is included which will permit the individual to return to work when the circumstances are clearly known and justified by the RSO that there was no possibility of overexposure, as in the case that any radiographic operations had occurred since the dosimeter was last read.

Section 34.65 Records of radiation survey instruments. This section is proposed as currently written in Section 34.24. Licensees would be required to maintain calibration records for radiation survey instruments for 3 years after the record is made.

Section 34.67 Records of leak testing, repair, tagging, opening, modification and replacement of sealed sources. This section is proposed as currently written in § 34.25(c), and requires licensees to maintain records of leak tests for 3 years after the record is made.

Section 34.69 Records of quarterly inventory. This section is proposed as currently written § 34.26, and requires licensees to maintain records of quarterly inventories for 3 years after the record is made.

Section 34.71 Utilization logs. This section is proposed much as currently written in § 34.27, and would require licensees to maintain utilization logs for 3 years after the record is made. The proposed rule has added several additional pieces of information to the logs, including the serial number of the device in which the sealed source is located, the radiographer's signature, and the dates the device is removed and returned to storage. This information is necessary in order to locate sources in the case of theft or loss.

Section 34.73 Records of inspection and maintenance of radiographic exposure devices, storage containers, associated equipment, and source changers. This section is proposed much as currently written in § 34.28(b), and requires licensees to maintain inspection and maintenance records for 3 years after the record is made. The proposed rule has added what information must be included in the inspection records: date of check, name of inspector, equipment inspected, any defects found and repairs made.

Subpart G - Exemptions

This subpart addresses exemptions and is basically the same as § 34.51 with the exception of minor wording changes.

Subpart H - Enforcement

This subpart addresses enforcement and is not in the current Part 34. WRONG!
The language used in this subpart is the same as appears in all newer NRC not so!
regulations and describes what legal action the NRC may take for any failure to comply with applicable regulations.

Agreement State Compatibility

The rule will be a matter of compatibility between the NRC and the Agreement States, thereby providing consistency between Federal and State safety requirements. With regard to basic radiation standards and definitions, identified as a matters of Division One level of compatibility, the Agreement States will be expected to adopt, essentially verbatim, the proposed Part 34 standards and definitions into their equivalent regulations. The remainder of the rule will be a Division Two level of compatibility allowing the Agreement State co-regulators the flexibility to adopt additional requirements based on their radiation protection experience, professional judgments and community values.

Finding of No Significant Environmental: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that the rule, if adopted, would not be a major Federal action, therefore an impact statement is not required. The revision of 10 CFR Part 34 should have no environmentally significant impact since radiography only involves the use of sealed sources, and no environmental impact will be involved. The environmental assessment and finding of no significant impact on which this determination is based are available for inspections at the NRC Public Document Room at 2120 L Street, N.W. (Lower Level), Washington DC.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of these requirements.

Public reporting burden for this collection of information is estimated to average 2,400 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0007), Office of Management and Budget, Washington, DC 20503.

radiography represents only a part of their total income. A few small firms work only in radiography. Much of the work in the field involves the inspection of welds in bridges, oil, gas, and other pipelines and in the steel framework of commercial buildings under construction so that the success and viability of the industry is closely tied to the economic health of the country.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and, therefore, that a backfit analysis is not required for this proposed rule. The proposed rule does not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 34

10 CFR Part 34

Byproduct material, Criminal Penalty, Nuclear material, Packaging and containers, Radiation Protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR 34.

Safety Officer shall meet the qualifications and duties described in § 34.41.

(h) If an applicant intends to perform leak testing of sealed sources, the applicant shall identify the manufacturers and the model numbers of the leak test kits to be used. If the applicant wants to analyze its own wipe samples, the applicant shall establish procedures to be followed and submit a description of these procedures to the Commission. The description must include the --

(1) Instruments to be used;

(2) Methods of performing the analysis; and

(3) Pertinent experience of the person who will analyze the wipe samples.

(i) The applicant shall submit to the Commission a list and description of permanent radiographic installations which are at ~~their~~ its place(s) of business and all storage locations where radioactive material is stored for more than 180 days in a calendar year.

8. Section 34.20 is revised to read as follows:

§ 34.20 Performance requirements for radiography equipment.

* * * * *

(b) * * *

(2) Radiographic exposure devices intended for use as Type B transport containers must meet the applicable requirements of 10 CFR Part 71, including documentation of the QA program requirements outlined in § 71.105.

(3) Modification of any exposure devices and associated equipment is prohibited.

(c) * * *

performed only by persons specifically authorized by the Commission or an Agreement State to do so.

(b) Testing and recordkeeping requirements.

(1) Each licensee who uses a sealed source shall have the source tested for leakage at intervals not to exceed 6 months.

(2) The licensee shall maintain records of the leak tests in accordance with § 34.67.

(3) In the absence of a certificate from the transferor that a test has been made within the 6 months before the transfer, the sealed source may not be used until tested.

(c) Method of testing. The wipe of a sealed source must be performed using a leak test kit or method approved by the Commission or an Agreement State. The wipe sample must be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be analyzed for radioactive contamination. The analysis must be capable of detecting the presence of 185 Bq (0.005 microcuries) of radioactive material on the test sample and must be performed by a person approved by the Commission or an Agreement State to perform the analysis.

(d) Any test conducted pursuant to paragraphs (b) and (c) of this section which reveals the presence of 185 Bq (0.005 microcuries) or more of removable radioactive material must be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall ~~cause~~ have it ~~to be~~ decontaminated and repaired or ~~to be~~ disposed of, in accordance with Commission regulations. A report must be filed, within 5 days of ~~the~~ any test with results that exceed the threshold in this subsection, with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 describing the

accordance with § 34.83. Acceptable dosimeters must read within plus or minus 30 percent of the true radiation exposure.

(d) If an individual's pocket dosimeter is found to be off-scale, and the possibility of radiation exposure cannot be ruled out as the cause, the individual's film badge or TLD must be immediately sent for processing. In addition, the individual shall not work with licensed material until a determination of the individual's radiation exposure has been made. This determination must be made by the RSO or designee. The results of this determination must be included in the records maintained in accordance with § 34.83.

(e) If a film badge or TLD is lost or damaged, the worker shall cease work immediately until a replacement film badge or TLD is provided and the exposure is calculated for the time period from issuance to loss or damage of the film badge or TLD. The results of the calculated exposure and the time period for which the film badge or TLD was lost or damaged must be included in the records maintained in accordance with § 34.83.

(f) Reports received from the film badge or TLD processor must be retained in accordance with § 34.83.

(g) Each alarm ratemeter must --

(1) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(2) Be set to give an alarm signal at a preset dose rate of 5 mSv/hr (500 mrem/hr); with an accuracy of plus or minus 20 percent of the true radiation dose rate.

(3) Require special means to change the preset alarm function; and

(4) Be calibrated at periods not to exceed 12 months for correct response to radiation. The licensee shall maintain records of alarm ratemeter calibrations in accordance with § 34.83.

21. Section 34.43 is redesignated as § 34.49, and is revised to read as follows:

§ 34.49 Radiation surveys.

The licensee shall:

(a) Maintain at least one calibrated and operable radiation survey instrument that meets the requirements of § 34.25 at each location of its radiographic operations whenever radiographic operations are being performed, including a source exchange, and at the storage area (as defined in § 34.3), whenever a radiographic exposure device, a storage container, or source is being placed in storage.

(b) Conduct a survey of the camera with a radiation survey instrument after each exposure to determine that the sealed source has been returned to its shielded position.

(c) Conduct a survey as the first person approaches the guide tube prior to exchanging films, repositioning the collimator, or dismantling equipment.

(d) Conduct a survey with a radiation survey instrument any time the source is exchanged and whenever a radiographic exposure device is placed in a storage area (as defined in § 34.3), to determine that the sealed source is in its shielded position.

(e) Comply with the recordkeeping requirements of § 34.85.

must include: (a) the radiographer's personal presence at the site where the sealed sources are being used, (b) the ability of the radiographer to give immediate assistance if required, and (c) the radiographer's watching the assistant's performance of the operations referred to in this section.

25. Section 34.57 is added to read as follows:

§ 34.57 Requirements for conducting radiographic operations outside of a permanent radiographic installation.

Whenever radiography will be performed outside a permanent radiographic installation, the radiographer must be accompanied by another qualified radiographer or an individual with, at least, the qualifications of a radiographer's assistant, who is observing the operations and is capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

26. A new heading "RECORDS" is added and new § 34.61-85, 89 and 91 were added under that heading to read as follows:

§ 34.61 Records of specific license for radiography.

(a) Each licensee shall maintain a copy of ~~their~~ its license until the Commission terminates the license.

§ 34.63 Records of receipt and transfer of sealed sources.

(a) Each licensee shall maintain records showing the receipts and transfers of sealed sources.

(b) These records must include the date, the individual making the record, the radionuclide, number of curies, and make, model, and serial number of each sealed source and device, as appropriate.

(c) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.65 Records of radiation survey instruments.

(a) Each licensee shall maintain records of the calibrations of ~~their~~ radiation survey instruments.

(b) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.67 Records of leak testing, and replacement of sealed sources.

(a) Each licensee shall maintain records of leak test results in units of Becquerels (curies).

(b) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.69 Records of quarterly inventory.

(a) Each licensee shall maintain records of the quarterly inventory.

(b) The record must include the quantities and kinds of byproduct material (including the model number, the serial number and manufacturer), location of sealed sources, the name of the individual conducting the inventory, and the date of the inventory.

(c) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.71 Utilization logs.

(a) Each licensee shall maintain current utilization logs at the address specified in the license, showing for each sealed source the following information:

(1) A description, including the make, model number, and serial number of the radiographic exposure device or storage container in which the sealed source is located;

(2) The identity and signature of the radiographer to whom assigned; and

(3) The plant or site where used and dates of use, including the dates removed and returned to storage.

(b) The licensee shall retain the logs required by paragraph (a) of this section for 3 years after the log is made.

§ 34.73 Records of inspection and maintenance of radiographic exposure devices, storage containers, associated equipment, and source changers.

(a) Each licensee shall maintain records of inspection and maintenance of radiographic exposure devices, storage containers, associated equipment, and source changers.

(b) The record must include the date of check, name of inspector, equipment involved, any defects found, and repairs made.

(c) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.75 Records of permanent radiographic installations.

(a) Each licensee shall maintain records of alarm system tests.

(c) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.79 Records of training.

(a) Each licensee shall maintain records of training of each radiographer and each radiographer's assistant. The record shall include ~~to~~ include copies of written tests, dates of oral tests, and field examinations.

(b) Each licensee shall maintain records of periodic training for each radiographer and each radiographer's assistant. The records must list the topics discussed, the dates of the reviews, and the attendees.

(c) The licensee shall retain the records required by paragraphs (a) and (b) of this section for 3 years after the record is made.

§ 34.81 Copies of operating and emergency procedures.

(a) Each licensee shall maintain a copy of current operating and emergency procedures.

(b) The licensee shall retain the records until the Commission terminates the license.

(c) If procedures are superseded the licensee shall retain the superseded material for 3 years after each change.

§ 34.83 Records of personnel monitoring.

(a) Each licensee shall maintain records of daily exposures recorded from pocket dosimeter readings and yearly operability checks,.

(b) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

(c) Each licensee shall maintain records of reports received from the film badge or TLD processor.

(d) The licensee shall retain the records required by paragraph (c) of this section until the Commission terminates the license.

§ 34.85 Records of radiation surveys.

(a) Each licensee shall maintain a record of each exposure device survey conducted ~~when~~ is the last one performed in the work day, ~~and~~ prior to placing the device in storage, if that survey

(b) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 34.89 Documents and records required at field stations.

Each licensee shall maintain copies of the following documents and records at the field station:

(a) A copy of Parts 19, 20, and 34 of NRC regulations;

(b) The license authorizing the use of licensed material;

(c) Operating and emergency procedures required by § 34.45;

(d) ~~The~~ Records of radiation survey instrument calibrations required by § 34.65;

(e) ~~The~~ Records of leak test results required by § 34.67;

(f) Physical inventory records required by § 34.69;

(g) Utilization records required by § 34.71;

(h) Records of inspection and maintenance required by § 34.73;

(i) Training records required by § 34.79; and

(j) Survey records required by § 34.85.

§ 34.91 Documents and records required at temporary jobsites.

Each licensee conducting operations at a temporary jobsite shall maintain copies of the following documents and records at the temporary jobsite until the radiographic operation is completed:

(a) Operating and emergency procedures required by § 34.45.

(b) Evidence of latest calibration of the radiation survey instruments in use at the site required by § 34.65.

(c) Latest survey records required by § 34.85.

(d) The shipping papers for the transportation of radioactive materials required by § 71.5 of this chapter; and

(e) When operating under reciprocity pursuant to § 150.20 of this chapter, a copy of the Agreement State license authorizing use of licensed materials.

27. Section 34.4 is redesignated as § 34.87.

§ 34.87 Form of records

28. A new heading "NOTIFICATION OF INCIDENTS" is added and § 34.30 ~~was~~ is redesignated as 34.101 and is added under that heading to read as follows:

§ 34.101 Notification of incidents.

(a) * * * * *

(b) The licensee shall include the following information in each report submitted under paragraph (a) of this section, and in each report of overexposure submitted under 10 CFR 20.2203 which involves failure of safety components of radiography equipment:

29. Section 34.51 redesignated as § 34.111, and is revised to read as follows:

§ 34.111 Applications for exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

30. A new heading "~~ENFORCEMENT~~ VIOLATIONS" is added and ~~a~~ new §§ 34.121 ~~is~~ and 34.123 are added under that heading to read as follows:

§ 34.121 Violations. use text from present § 34.61

(a) An injunction or other court order may be obtained to prohibit a violation of any provision of this part.

(b) A court order may be obtained for the payment of a civil penalty imposed for violation of this part.

(c) Any person who willfully violates any provision of this part issued under section 161 b., i., or o. of the Atomic Energy Act of 1954, as amended, or the provisions cited in the authority citation at the beginning of this part may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

§ 34.123 text from 34.63 as modified in our memo

CURRENT RULE	STRAWMAN RULE LANGUAGE
PART 34 -- LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS	PART 34 -- LICENSES AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS
	Subpart A -- General Provisions
Sec.	Sec.
34.1 Purpose and scope.	34.1 Purpose and scope.
34.2 Definitions.	34.3 Definitions.
34.3 Applications for specific licenses.	See § 34.11.
	34.5 Interpretations.
34.4 Maintenance of records.	See § 34.87.
34.8 Information collection requirements: OMB approval.	34.8 Information collection requirements: OMB approval.
Subpart A -- Specific Licensing Requirements	Subpart B -- Specific Licensing Requirements
See § 34.3.	34.11 Application for a specific license.
34.11 Issuance of specific licenses for use of sealed sources in radiography.	34.13 Specific license for radiography.
Subpart B -- Radiation Safety Requirements	
Equipment Control	Subpart C -- Equipment
34.20 Performance requirements for radiography equipment.	34.20 Performance requirements for radiography equipment.
34.21 Limits on levels of radiation for radiographic exposure devices and storage containers.	34.21 Limits on levels of radiation for radiographic exposure devices, storage containers, and source changers.
34.22 Locking of radiographic exposure devices, storage containers, and source changers.	34.23 Locking and relocation of radiographic exposure devices, storage containers, and source changers.

stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

Section 34.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150-0007.

(b) The approved information collection requirements contained in this part appear in Section 34.11, 34.24, 34.25, 34.26, 34.27, 34.28, 34.29, 34.31, 34.32, 34.33, and 34.43.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In Section 34.3, Form NRC-313R is approved under control number 3150-0023.

Section 34.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150-0023.

(b) The approved information collection requirements contained in this part appear in §§ 34.13, 34.20, 34.25, 34.27, 34.29, 34.31, 34.33, 34.43, 34.45, 34.47, 34.49, 34.61, 34.63, 34.65, 34.67, 34.69, 34.71, 34.73, 34.75, 34.79, 34.81, 34.85, 34.89, 34.91, 34.101, and 34.111.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. The additional information collection requirements in § 34.11, Form NRC 313 are approved under control number 3150-0120.