

APR 05 1991

MEMORANDUM FOR: Mohamed M. Shanbaky, Acting Chief
Nuclear Materials Safety Branch
Division of Radiation Safety and Safeguards, RI

William E. Cline, Chief
Nuclear Materials Safety and Safeguards Branch
Division of Radiation Safety and Safeguards, RII

John A. Grobe, Chief
Nuclear Materials Safety Branch
Division of Radiation Safety and Safeguards, RIII

A. Bill Beach, Director
Division of Radiation Safety and Safeguards, RIV

Robert J. Pate, Chief
Nuclear Materials and Fuel Fabrication Branch
Division of Radiation Safety and Safeguards, RV

Vandy L. Miller, Assistant Director
for State Agreements Programs
State Programs, GPA

FROM: Ronald R. Bellamy, Acting Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: REVISION OF 10 CFR PART 34

In reviewing two recent enforcement actions involving industrial radiography licensees, the Commission raised question regarding the clarity of certain provisions of 10 CFR Part 34 which could confuse licensees and/or lead to inspections or enforcement problems for the staff. Following one case, the Commission requested that the Office of Nuclear Material Safety and Safeguards (NMSS) describe the intent of the regulation. In its response, NMSS informed the Commission that it had requested that the Office of Nuclear Regulatory Research (RES) initiate rulemaking to clarify the subject regulation or incorporate new provisions so that the regulation might be more consistent with current licensing and inspection policies, (see enclosed memorandum from R. M. Bernero to E. S. Beckjord dated January 3, 1991) and Suggested State Regulations.

Members of the NMSS and RES staff held a meeting to discuss the rulemaking request in March 1991. While several possible changes to the regulation were identified at the meeting, it was agreed that the regions and the Agreement States should be canvassed for additional suggestions.

9104160506 XA 2pp.

APR 06 1991

We would appreciate receiving your suggestions relating to clarification of the language in Part 34. In developing your suggestions, you may wish to consider any comments you have received from licensees during your licensing or inspection activities. We are particularly interested in specific regulatory language which you believe clearly states the requirements.

Suggestions should be sent to Bruce Carrico by the end of April. Once the suggestions are received, we plan to establish a working group to evaluate the suggestions. If you have any questions, you may contact me at FTS: 492-3418 or Bruce Carrico at FTS: 492-0634.

~~Approved by:~~

Ronald R. Bellamy, Acting Chief
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety, NMSS


Enclosure: As stated

Distribution *w/o Encl*

JBCarrico
IMAB r/f
GSjoblom

IMNS Central Files
NMSS r/f
JEGlenn

NRC File Center
RECunningham


BRathbun
04/5/91

OFC: IMAB	: IMAB	: IMAB
NAME: JBCarrico: jb/ht	: MLamastra	: RRBellamy
DATE: 04/5/91	: 04/5/91	: 04/5/91