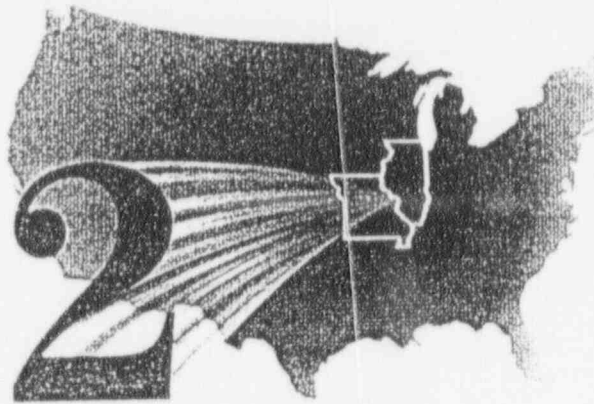
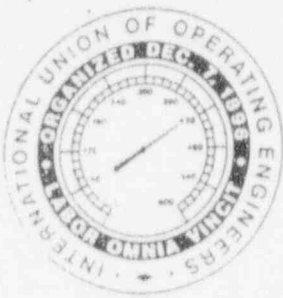


PRM-34-4

International
Union of
Operating
Engineers

Locals 2 PDR

AE07+1013



May 6, 1992

Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Chief, Docketing and Service Branch

Subject: Petition the NRC to issue a regulation requiring as a minimum, two Radiographic Personnel when performing Industrial Radiography with Licensed Material at temporary jobsites.

Petitioner: The International Union of Operating Engineers, Local No. 2 (hereafter referred to as IUOE) and its membership of Industrial Radiographers.

Current problems associated with one Radiographer using Licensed Material at temporary jobsites include but are not limited to the following:

1. When working in a congested area, it is extremely difficult to keep the area under constant surveillance from all directions.
2. When working in deep trenches, it is difficult to keep above ground areas under surveillance.
3. Whenever possible, Radiographers often work after other trades and crafts have left the area. In case of an accident involving Licensed Material, the Radiographer can not leave the area if a Radiation danger exists in order to notify the proper authorities.
4. In the event of an accident involving physical injury at a remote jobsite, the Radiographer could be placed in a life threatening situation.

(Please do not detach)

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PP.

The IUOE and its entire membership feel that the general solution to the current problems associated with one Radiographer at temporary jobsites could be resolved with an amendment requiring a minimum of two personnel when performing Industrial Radiography with Licensed Material. The personnel could consist of but not be limited to:

1. Two Radiographers
2. One Radiographer and One Radiographer Assistant
3. One Radiographer and One Trainee
 - a. The Trainee having successfully completed 40 hours of approved Radiation Safety and passing an examination over the topics of instruction.

Grounds for and interest in the action requested:

The IUOE and its entire membership feel that with a minimum of two personnel at temporary jobsites, current problems associated with one person could be resolved in the following manner:

1. In congested areas, the two personnel would be better suited to conduct and maintain proper surveillance.
2. When working in deep trenches or high above ground, it would be much safer performing Radiography with two people.
 - a. It is often difficult to get equipment into deep trenches or high above ground when working alone.
 - b. Surveillance would be improved with two personnel in this type situation.
3. In case of an accident involving Licensed Material, one individual could keep the area under surveillance while the other could notify the proper authorities.
4. In the event of an accident involving physical injury while performing Industrial Radiography with Licensed Material, the Uninjured individual could see that the Licensed Material is secured properly and administer or seek first aid for the injured.

Whereas, I believe the proposed amendment submitted by the IUOE to the NRC to change present regulations on a temporary jobsite that would require two Radiographers or a Radiographer and Assistant Radiographer is a responsible act. Current laws and the recent increase in violations indicate that this change is necessary for a safe working environment.

Therefore, I do hereby PETITION THE NRC OF THE UNITED STATES OF AMERICA to act immediately to ensure responsible enforcement and fair regulation of the NDE Industry in the United States by passing a Common Sense Amendment to Regulations which will make it a mandatory requirement to have two qualified Radiographers or Radiographer and Assistant Radiographer on the temporary jobsite when performing industrial radiography.

Respectfully Signed: Thomas R. Burley
Radiographer - Assistant Radiographer (circle one)

USNRC
OFFICE OF ADMINISTRATIVE

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Note: An identical petition was filed by 443 members of the International Union of Operating Engineers, Locals 2.



11.7 Petitions eligible for "fast-track" processing.

(a) Occasionally, NRC receives a petition for rulemaking that requests an amendment to the regulations that is obviously meritorious. In order to expedite the rulemaking process, these petitions for rulemaking may be published initially for public comment as a proposed rule. This "fast-track" procedure eliminates the usual step of publishing a notice of receipt of a petition for rulemaking and inviting public comment on the petition when the additional procedural step is unnecessary. "Fast-track" petitions are processed by the staff according to the procedures specified in this section and 11.9 of this handbook. The "fast-track" procedure may not be used for the expeditious denial of a petition for rulemaking.

(b) Following a determination that a petition for rulemaking meets the threshold requirements for a petition, RPB assigns the petition to the appropriate staff office to determine whether the petition is eligible for "fast-track" processing. The assigned staff office assigns a contact person to handle the petition. The contact person then makes the "fast-track" determination within 10 working days.

(c) The NRC may consider a petition eligible for "fast-track" processing if it --

(1) Proposes action granting or recognizing an exemption from requirements in 10 CFR Chapter I or granting relief from restrictions while not imposing additional burdens upon or increasing the risks to the health and safety of any segment of industry or the public;

(2) Proposes action involving interpretive rules, rules of agency organization, procedure, or practice, and rules for the orderly conduct of Commission business;

(3) Proposes action involving an amendment to 10 CFR Chapter I that is corrective or of a minor or nonpolicy nature and that does not substantially modify existing regulations;

(4) Proposes action involving --

(i) A minor safety, safeguards, or environmental issue.,

(ii) An increase in NRC efficiency; or

(iii) A reduction in the regulatory burden on licensees.

(5) Proposes action involving a request already under consideration in an ongoing rulemaking proceeding (Note, however, that NRC consideration of a request already included in an ongoing rulemaking depends on the status of the rulemaking proceeding);

(6) Proposes other action that is clearly meritorious and will not adversely affect the rights of other licensees or persons.

(d) The NRC normally will not consider a petition eligible for "fast-track" processing if the proposed action will --

(1) Require the preparation of an Environmental Impact Statement;

(2) Impose new or increased reporting, application, or recordkeeping requirements subject to clearance by the Office of Management and Budget;

(3) Have a significant economic impact on a substantial number of small entities (see discussion of Regulatory Flexibility Act requirements in sections 3.19 and 5.19 of this handbook),

(4) Have a significant impact on NRC staff and resource commitments; or

(5) Result in denial of the petition for rulemaking.

NUCLEAR REGULATORY COMMISSION

10 CFR PART 34

[Docket No. PRM-34-4]

International Union of Operating Engineers, Local No. 2;
Filing of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The International Union of Operating Engineers (IUOE), Local No. 2, requests that the Nuclear Regulatory Commission (NRC) amend its regulations regarding licenses for radiography and radiation safety requirements for radiographic operations, as necessary, to require a minimum of two radiographic personnel when performing industrial radiography with licensed materials at temporary job sites. The petitioner believes that the suggested change is necessary to ensure a safe working environment.

DATES: Submit comments by (60 days following publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSEES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

For a copy of the petition, write: Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, Washington, DC 20555, Telephone: (301) 492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has received a petition for rulemaking submitted by the International Union of Operating Engineers, Local No. 2. The petition was assigned Docket No. PRM-34-4 on October 15, 1992. The petitioner has requested that the NRC amend 10 CFR Part 34, "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations," to require a minimum of two radiographic personnel when performing industrial radiography with licensed material at temporary job sites.

The Petitioner

The petitioner represents the entire membership of the International Union of Operating Engineers, Local No. 2. Each of

the 443 members of the union submitted an identical petition in support of the requested action.

Need for the Suggested Amendments

The petitioner identified a number of current problems associated with the use of licensed material by one radiographer at temporary job sites. The petitioner believes that these problems could be alleviated by requiring that two radiographic personnel perform radiographic operations at temporary job sites. The problems identified by the petitioner include, but are not limited to, the following situations.

(1) It is extremely difficult to keep the area under constant surveillance from all directions when working in a congested area. The petitioner believes that a two person team would be better able to maintain proper surveillance.

(2) It is difficult to keep above ground areas under surveillance when working in deep trenches. Again, the petitioner believes that a two person team would be better able to maintain proper surveillance.

(3) It is often difficult to get equipment into deep trenches or high above ground when working alone. The petitioner believes that a two person team could more easily and safely handle the required equipment.

(4) Whenever possible, radiographers work after other trade and craft employees have left the area. In case of an accident involving licensed material, the radiographer cannot leave the

area in order to notify the proper authorities if a radiation danger exists. With a two person team one individual could keep the area under proper surveillance while the other notified the proper authorities.

(5) In the event of an accident involving physical injury at a remote job site, the radiographer could be placed in a life threatening situation. A two person team could see that the licensed material is secured properly and administer or seek first aid.

For health and safety reasons a two person team is necessary to maintain adequate surveillance and to respond in the event of an accident or injury.

The Solution

The petitioner (IUOE and its entire membership of Local No. 2) requests that the NRC amend its regulations regarding licenses for radiography and radiation safety requirements for radiographic operations, as necessary, to require a minimum of two radiographic personnel when performing industrial radiography with licensed materials at temporary job sites. The petitioner states that the general solution to the current problems associated with one radiographer at temporary job sites consists of an amendment to the regulations regarding licenses for radiography and radiation safety requirements for radiographic operations to require that a two person team perform radiographic

operations at temporary job sites. The personnel comprising the two person team could include, but not be limited to --

- (1) Two radiographers;
- (2) One radiographer and one radiographer assistant;
- (3) One Radiographer and one trainee. The trainee must have successfully completed 40 hours of approved radiation safety and passed an examination over the topics of instruction.

Request for Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing discussion.

Dated at Rockville, Maryland, this ___ day of _____
1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.