



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

March 31, 2020

Mr. James E. Bennett, Chief Technical Officer  
Certification, Technical, and Training Services  
The American Society for  
Nondestructive Testing, Inc.  
1711 Arlingate Lane  
P.O. Box 28518  
Columbus, OH 43228-0518

SUBJECT: TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION  
REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS* Part 34,  
APPENDIX A, Section II.5.

Dear Mr. Bennett:

By letter dated March 30, 2020, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 30.11, The American Society For Nondestructive Testing (ASNT), an organization authorized to certify radiographers, requested an exemption from the requirements of 10 CFR Part 34, Appendix A, Section II.5, which addresses the allowable period of time for which radiographer certifications may be issued. In its request, ASNT stated that, due to closure of most test centers and current travel restrictions imposed by State and Local governments due to emergency caused by the COVID-19 pandemic, some certified radiographers cannot renew their certifications. ASNT proposed that, if exempted from the requirements of 10 CFR Part 34, Appendix A, Section II.5, it could administratively extend the certifications of radiographers in increments of 90 days, not to exceed a maximum period of 6 months, beyond their current expirations dates which are 5 years from the date of issuance of the certificate. ASNT stated that, during the period in which restrictions due to the COVID-19 pandemic can be expected to continue—March, April, and May— 161 radiographer certificates will expire, and that the expiration of those certificates would affect these radiographers' ability to perform radiographic activities, including some radiographic activities in the service and defense industries that are continuing to work and rely on certified radiographers to maintain operations. ASNT further stated that there would be no reduction in the protection of public health and safety as their program requires that candidates for recertification be current and active in a formal radiation safety program where their qualifications, training, and experience are kept current by their respective programs.

The exemption provision in 10 CFR 30.11(a) states:

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 and parts 31 through 36 and 39 of this chapter 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.

The NRC staff reviewed the request in accordance with 10 CFR 30.11(a) and finds that the criteria contained therein are met. The regulation for which ASNT is requesting exemption is

10 CFR Part 34, Appendix A, Section II.5, so that rather than providing a certification period of not more than 5 years ASNT may provide up to two 90-day recertification extensions to certified radiographers, as needed, during the emergency caused by the COVID-19 pandemic. The NRC staff notes that 10 CFR Part 34 is contained within 10 CFR Parts 31 through 36 and is therefore included within the regulations for which 10 CFR 30.11 authorizes the granting of exemptions. The NRC staff has determined that the granting of the requested exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. The NRC staff, therefore, finds that the granting of the requested exemption is authorized by law.

The relatively short period of the extension of the certificate—no more than 6 months—relative to the overall length of applicability of the certificate does not constitute an increase in risk to public health and safety. The candidates for recertification are at the end of a 5-year certification period, and therefore are current and active in a formal radiation program in which they keep their qualifications, training, and experience up to date. Furthermore, the NRC staff notes that, absent the proposed exemption, a significant number of radiographer certificates will expire and that this will unnecessarily adversely impact the performance of radiographic activities in the United States. The exemption will enable certified radiographers to continue to perform licensed activities, including activities in service and defense industries that continue to operate during the COVID-19 pandemic. Therefore, the NRC staff finds that the proposed exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

Based on the above findings, the NRC grants the following exemption for the specified period of time:

From the date of issuance of this letter until 11:59 PM 30 September 2020, ASNT is exempted from compliance with the requirement in 10 CFR Part 34, Appendix A, Section II.5 that the duration of certification for radiographers not exceed 5 years. This exemption shall only apply to ASNT recertification for those certified radiographers whose certifications are due to expire from 31 March 2020 to 30 September 2020 and shall only apply insofar as ASNT grants up to two extensions to these individuals in increments of no more than 90 days.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(vi). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

If you have questions, please contact David Alley at [David.Alley@nrc.gov](mailto:David.Alley@nrc.gov) or 301-415-2178.

Sincerely,

Michael C. Layton, Director  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

cc: Don E. Didion III,  
Director of Certification/ASNT

SUBJECT: TEMPORARY EXEMPTION TO U.S. NUCLEAR REGULATORY COMMISSION  
REGULATION, 10 CFR Part 34, APPENDIX A, Section II.5.

Date: March 31, 2020

**ADAMS Accession No.: ML20090C666**

**\*via e-mail**

OFFICE	MSST/MSTB	MSST/MSTB	OGC	MSST/MSTB
NAME	DLowman*	DAlley*	EHouseman*	MLayton*
DATE	3/31/2020	3/31/2020	3/23/2020	3/31/2020

**OFFICIAL RECORD COPY**