

April 6, 1998

Docket No. 030-20787

License No. 29-21452-01

Bruce R. Ballard
Radiation Safety Officer
Consolidated NDE, Inc.
6 Woodbridge Avenue
P.O. Box 593
Woodbridge, NJ 07095

SUBJECT: CLARIFICATION OF 10 CFR 34.41

Dear Mr. Ballard:

This is in reference to your March 11, 1998 letter in which you discuss two questions regarding 10 CFR 34.41. Your first question is whether a licensee would be in compliance with 10 CFR 34.41 (a) if one radiographer is performing radiographic operations and the other radiographer is in a nearby darkroom at a temporary job site. A licensee would not be in compliance with 10 CFR 34.41 (a) under these circumstances. The regulation clearly states that, in addition to the radiographer, a qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Your second question is whether another NRC Region could enforce this regulation differently than Region I, since you received information that NRC Region IV is allowing this practice. We have discussed this matter with the NRC Headquarters Office. It is evident that all NRC Regions are enforcing this regulation in the same manner, namely, whenever radiography is performed, the radiographer must be accompanied by at least one other qualified individual who will observe the radiographic operations as stated in 10 CFR 34.41 (a).

If you have further questions regarding this matter, please call Sheri Minnick at (610) 337-5342. Thank you for your cooperation.

Sincerely,

Original signed by Judith A. Joustra

Judith A. Joustra, Acting Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

Enclosure:
Letter dated March 11, 1998

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B. Ballard
Consolidated NDE, Inc.

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