

OCT 2 1979

PRM 71-7

Mr. Walter P. Peeples, Jr.  
Non Destructive Testing Management Association  
P.O. Box 1214 Magnolia Park Station  
Burbank, California 91507

Dear Mr. Peeples:

This is to inform you that I am denying your petition for rulemaking dated May 10, 1978 (docketed as PRM 71-7) for the reasons detailed below.

You petitioned the Commission to revoke Appendix E to 10 CFR Part 71. You also requested a hearing and a delay in the effective date of implementation of the Appendix E criteria, and noted that there was a lack of uniformity in quality assurance requirements between Agreement State licensees and NRC licensees.

The Commission staff, after careful consideration of your petition, the public comments thereon, and the facts involved in the case, has concluded that there was adequate notice of the regulations in that the regulations were published in the Federal Register as proposed on December 28, 1973 (38 FR 35490) and in effective form in the Federal Register on August 4, 1977 (42 FR 39364). Comments were invited on the regulations in both Federal Register Notices.

Approximately 11 months prior to July 1, 1978 were given for the filing of descriptions of QA programs with NRC. In response to several comments, this date was later extended to January 1, 1979.

The staff has found no evidence of an insurmountable and expensive paperwork program for industrial radiographers, as indicated in your petition. Use of a graded approach in establishing a quality assurance program allows less complex programs for packagings for the less significant quantities, types, and forms of radioactive materials. For the above reasons, I am denying your petition. Notice of this denial will be published in the Federal Register (see Enclosure A).

A delay in the implementation date of the quality assurance requirements, which you requested in your petition, was effected by a Federal Register Notice (43 FR 271/4, Enclosure B) which extended the date by which program descriptions had to be filed with the Commission from July 1, 1978 to January 1, 1979. Any further extension of the implementation date or a hearing on the subject is hereby denied.

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The comment concerning the lack of uniformity in quality assurance requirements between Agreement State licensees and Commission licensees, noted in your petition, has merit. In order to provide a greater degree of uniformity for quality assurance requirements, the Commission has requested the Department of Transportation to upgrade its quality assurance requirements for radioactive material packagings.

Although your petition has been denied, the Commission is engaged in a continuing assessment of quality assurance with regard to the packaging and transportation of radioactive material. Other actions on this subject may be reflected in later rulemaking activities.

Sincerely,

(Signed) Lee V. Gossick

Lee V. Gossick  
Executive Director for Operations

Enclosures:

"A" Federal Register Notice

"B" 43 FR 27174

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Docket File (PRM 71-7)

PDR

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Task No. TP821-3

DRR

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DIR:ES:SD

DD:SD

DIR:SD

2Job E

RJDoda:clb

RJJones

RMBernero

GAARlotto

RGSmith

RBMinogue

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(see previous concurrences)

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was well taken. In order to provide a greater degree of uniformity for quality assurance requirements, the Commission has requested the Department of Transportation to upgrade their quality assurance requirements.

Although your petition has been denied, the Commission is engaged in a continuing assessment of quality assurance with regard to the packaging and transportation of radioactive material. Other actions on this subject may be reflected in later rulemaking activities.

Sincerely,

Lee V. Gossick  
Executive Director for Operations

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