

United States Nuclear Regulatory Commission
Office of Public Affairs
Washington, DC 20555
Phone 301-415-8200 Fax 301-415-2234
[Internet:opa@nrc.gov](mailto:opa@nrc.gov)

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NRC TO ALLOW "ENFORCEMENT DISCRETION" IN SOME INDUSTRIAL RADIOGRAPHER CERTIFICATION CASES

The Nuclear Regulatory Commission has decided that licensees who employ radiographers who have not yet become certified, but have made a good faith effort to complete their certification between now and the deadline of July 27, will not immediately face enforcement action if they have applied for certification and meet other required criteria.

Radiography is a process that uses radioactive materials to make x-ray-like pictures of the inside of large objects, such as metal castings or welded pipelines, to see if they contain flaws.

NRC has approximately 140 radiography licensees. The 30 Agreement States (which are states that have assumed, by agreement, part of the NRC's regulatory authority) have about 330 radiography licensees. NRC has informed these licensees and Agreement States of its "enforcement discretion" decision in an Information Notice. This advisory also advises them of the certification deadline.

Without enforcement discretion, licensees who do not fulfill certification requirements of their radiographers could be subject to a civil penalty of \$5,500, suspension of operations, or, in the case of continued use of uncertified individuals, license revocation.

The rule imposing certain training and experience requirements on radiographers was published in May 1997. It also requires radiographers to be certified by an independent certifying entity, and set a deadline of June 27 of this year.

Since the rule was issued, an independent organization which is qualified to certify radiographers has had difficulty in meeting this deadline. A number of impediments exist, such as: the large number of applications which must be reviewed (between 1,400 and 1,800), the lengthy process for administering the examination, the scattered location of applicants across a broad geographic area, and the need for the examination to be given at different locations, thus overwhelming staff resources.

After considering other options, including extending the certification deadline, the Commission decided that enforcement discretion provided the strongest incentive for applicants to meet the deadline. Under this decision, licensees who perform radiography after July 27 with uncertified individuals acting as radiographers, will not be subject to civil penalties so long

as they have applied for certification by that date, and have met all other training and experience criteria. NRC expects to exercise this discretion until the certifying entities process all applications and administer certification examinations (about six months).

If a radiographer had previously applied for certification but failed, this enforcement discretion would not apply unless the radiographer has been retrained and has reapplied for certification before July 27.

The information notice is located on NRC's web page, at <http://www.nrc.gov/NRC/GENACT/GC/IN/1999/in99022.html>.

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