



DOCKET NUMBER PR 34
PROPOSED RULE (54FR 47089)

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TERRY E. DRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC HEALTH
MARY L. ELLIS, DIRECTOR

January 8, 1990

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Secretary
U.S. Nuclear Regulatory Commission
Attention: Docketing and Service Branch
2120 L Street NW (Lower Level)
Washington, D.C. 20555

To Whom It May Concern:

This letter is our response to the U.S. Nuclear Regulatory Commission's (NRC) proposed amendment to 10 CFR Part 34, "Licenses of Radiography and Radiation Safety Requirements for Radiographic Operations," published in the Federal Register, Vol. 54, No. 216, Page 47089, Tuesday, November 9, 1989.

First, we are in favor of uniform credentialing of individuals who perform industrial radiography and as a regulatory agency have no problem recognizing a private organization (American Society of Nondestructive Testing (ASNT)) as one, but not the only, mechanism of gaining a credential. We have serious reservations relative to the NRC's proposal of mandating only one organization as a certifying body and then forcing, through the mechanism of "compatibility," the agreement states to recognize only that private organization.

I would like to take this opportunity to convey some of our thoughts in support of the last statement made in the previous paragraph. I realize that the current proposed regulation does not mandate the acceptance of the ASNT, but since NRC chose to point out its intention to embark on a second phase of regulation making, we want our reservations to be recorded early in the rulemaking process.

1. We take exception with the implication of licensing of radiographers as indicated in the title of FR publication Vol. 54, No. 216, Page 47089, Tuesday, November 9, 1989. To the best of my knowledge, a nongovernment entity cannot license persons to conduct a function. Does this mean that the NRC is delegating its authority to license to a private organization? I'm sure that the majority, if not all agreement states, would not be willing to take such action.
2. One major selling point expressed by the NRC and others is that the ASNT is a three-phase program (education, practicum, and written examination). In my opinion, practicum is not necessary to meet the goal of regulatory agencies of protecting the public health and safety. In fact, I believe that by mandating such a program we would only be creating a dynasty for a private organization. I think a more reasonable program is to set and enforce an educational standard which

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is currently done. The one phase not done is to mandate a nationwide standard test to assure that the education a person receives is at least initially retained. It is also necessary to retest in a reasonable period of time to assure that the education gain is not lost. Mandating of continuing education is also a recertification phase which should be required.

In the above paragraph we have been somewhat hard on the practicum phase. We don't wish to imply that practicum is not a means of testing to assure the production of a quality radiograph. However, we believe that it is unnecessary to assure good radiological health and safety practices. We feel that it is a costly phase which is not necessary to meet a radiological health regulatory agency's goals.

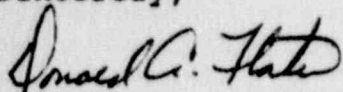
3. As indicated, we have no problem recognizing voluntary participation by industrial radiographers in the ASNT program. Our main objection is the mandatory issue. The NRC can do as it wishes in its areas of authority, but to require it in states through the mechanism of compatibility is totally unreasonable without justification. One program is not always the answer. It is our opinion that a few NRC staff members are trying to ram this down peoples' throats, and have not done their homework. In Iowa we have several credentialing programs which recognize private organizations, but they do not mandate that persons must belong. The reason they don't is that legal counsel feels that a private organization can't enforce laws nor can a regulatory agency dictate what a private organization does to its membership; the "fox in the chicken coop" principle.

Some of these comments may be considered "somewhat off the wall." It is our opinion that we had little choice. The NRC provides a monumental pile of data but the most important data was not provided, namely the standard and criteria the ASNT/NRC will be following to credential industrial radiographers. We reserve our final comments on the NRC regulations until the standards and criteria are available. We can't concur or support, even in part, something we are not privy to.

In conclusion, Iowa supports the mandating of qualified persons performing industrial radiography. We further support the concept of a private organization being one means of becoming qualified. What we cannot support is membership in a private organization being the only means of becoming qualified, especially when the criteria to be met is unknown.

If you have any questions, please do not hesitate to contact me.

Sincerely,



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DAF/bf

cc: B.J. Holt
CRCPD