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Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER
PROPOSED RULE PR-34
(47 FR 19152)

Attention: Secretary of the Commission

Reference: QAC 281

Subject: Third Party Certification of Radiographers

Gentlemen:

It appears that the safety record of the radiography industry as a whole is appalling with respect to reported over-exposure incidences and that the industry apparently needs additional direct and effective outside regulation to reduce the quantity and severity of over-exposures. I believe that certification of radiographers, either by the NRC or by a "third party" agency, could reduce the number and severity of over-exposure incidences; however, it is my opinion that significant and meaningful reductions will take place only when each licensee commits the resources necessary to implement a responsive radiation safety program, including training, supervision and disciplinary and/or corrective action of personnel permitted to handle radioactive sources.

It is, therefore, my suggestion that the NRC consider imposing an additional enforcement action with the implementation of the proposed third party certification rule change. This additional enforcement action would be the requirement that certified radiographers be suspended from performing radiography when it has been determined by the licensee or the NRC that the radiographer is operating equipment in an unsafe manner or is not following approved procedures. This suspension should be for the period of time necessary for the licensee and radiographer to demonstrate the adequacy and effectiveness of corrective actions taken to preclude recurrence to the satisfaction of the licensee and/or the NRC. Furthermore, I do not believe the NRC should invoke civil penalties against licensees who have taken positive and timely action to correct unsafe conditions and established positive measures to preclude recurrence.

The following are my comments for the individual items listed in the invitation to comment:

1. It is my opinion that the training provided by many licensees under the present system is adequate.

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Acknowledged by card. 8/6/82 emp

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2. It is my opinion that third party certification could reduce the number of over-exposures; however, the effectiveness of the system would be dependent upon the definition and administration of the system and definition of responsibilities of the various parties involved.
3. A third party certification could apply motivation to radiographers to work more safely due to the "affirmation of competency"; however, third party certification coupled with individual accountability for one's actions as suggested earlier, would probably better motivate radiographers to work more safely.
4. It is my opinion that the following elements of the present system are desirable:
 - a. Review of an applicants program by competent personnel in the NRC prior to issuance of a license: This element provides assurances that the applicant's management understands the hazards of radiation and are willing to commit the resources necessary to implement a responsive radiation safety program.
 - b. Annual inspections of the licensees radiation safety programs by competent NRC personnel: This element provides assurances that the licensee is implementing the radiation safety program as well as providing valuable feedback to the licensee and the NRC as to areas within the program which appear weak and should be reviewed in detail.
 - c. NRC enforcement actions: This element provides incentives for the licensee to maintain a positive radiation safety program.

The following elements of the present system which I find undesirable are:

- a. Application of civil penalties based upon an organization's ability to pay. It is my belief that the penalty should be a fixed amount as an unsafe condition existing within a small organization is just as serious as the same condition existing in a large organization. One only needs to imagine the resultant effect to public safety if traffic violations were administered based upon the individuals ability to pay!!
- b. Current NRC practice of review of applicant's radiation safety programs. It is my belief that the NRC should perform an on-site review

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to determine the ability of the applicant to implement the described Radiation Safety Program prior to issuance of the license.

The following elements of the proposed system which I find undesirable are:

- a. Additional outside regulatory requirements: The proposed system tends to dilute "self-regulation" by the industry. In view of the safety record, I cannot disagree that the self regulation currently practiced by the industry as a whole is adequate.
- b. No provisions or requirements for individual accountability: I believe the certified radiographer must have some sort of individual accountability under this system if it is going to be effective.
- c. Undefined "standards of competency" and undefined means of administering for the third party certification program. It would seem more appropriate to propose rule changes based upon substantive data rather than concepts. I do not feel that one can adequately provide comments as to the adequacy/inadequacy of third party certification without the specifics of such a program being identified. My comments herein regarding third party certification presumes that such a program will provide a high level of discrimination between trained radiographers and untrained radiographers and will be administered consistently to all applicants and in a convenient manner for the industry.

5. If third party certification is adopted the following items should be included:

- a. Rules of ethics appropriate to the radiographers
- b. Understanding of the health hazards of radiation
- c. Radiation safety practices; including demonstrated proficiency in handling the radioactive source
- d. Understanding of the emergency procedures to be utilized
- e. Responsibilities and rights of the radiographers and licensees

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6. If third party certification is adopted it should apply to all personnel who are presently working as radiographers as well as new radiographers.
7. If third party certification is adopted the certificates should be issued for a defined period of time and subject to periodic renewal. I would suggest that renewal can be based upon an affidavit, signed by the employer, which attests to the radiographer's continued performance of radiography. Certification renewal by re-examination should be limited to those individuals who are not continuously involved in radiography or for which there is just cause to suspect the individual's competency.
8. A program which is administered in locations and at intervals which are convenient to the licensee should not affect the licensee's ability to respond to variable manpower needs.
9. It is my opinion that those licensees who have committed the necessary resources in training, supervision and corrective/disciplinary action which are necessary to implement a positive and effective radiation safety program will continue to commit these resources in addition to committing the costs of the third party certification program. Not knowing what the costs will be for the third party certification I must reserve comment as to whether or not they will be warranted.
10. It is my opinion that the present system would work if each radiographer and the management of each licensee gave radiation safety the attention and support it needs to make it effective; however, the record of the radiography industry indicates that some licensees and some radiographers are not giving radiation safety the required attention. Therefore, I feel that the proposed system would only be effective if the individual radiographers were made accountable for their actions.
11. It is my opinion that radiographers be suspended from performing radiography whenever it has been determined they are not operating equipment safely or are not following approved procedures. This suspension from work should be for the period of time necessary to determine the cause and to provide the necessary corrective action.

Should the suspension from radiography result in loss of wages to the radiographer during this period; the employer should so inform the radiographer at the time of employment. The employer should also provide a means whereby the radiographer may challenge the suspension without pay and so inform the radiographer of these means at the time of employment.

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12. I do not feel the small licensee will bear a disproportionate expense should third party certification be adopted as I feel that the licensee, small or large, who has committed the necessary resources to implement a positive and effective Radiation Safety Program will continue to commit these resources in addition to committing the costs for the third party system.

In summary, radiation safety programs, as any safety programs, are only as effective as the commitment and support given to it by the individual radiographer and the management of the organization responsible. If third party certification is desirable by the NRC and the industry and it is to be effective, the certified radiographers must be held accountable for their actions and be provided protection from outside pressures to perform their work in an unsafe manner.

I wish to thank you for the opportunity to express my comments. If you have any further question or comments please feel free to contact me.

Sincerely,

CHERNE CONTRACTING CORPORATION


Gregory A. Rosier
Manager, Quality Assurance

GAR:lmc

cc: R-1