W. H. LEVELIUS, P.E.
Vice President
Northern Region

Pittsburgh Testing Laboratory

August 31, 1982

Secretary
U.S. Nuclear Regularatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Reference: Advanced Notice of Proposed Rule Making
10 CFR 34, Federal Register, May 4, 1982

Gentlemen:

The following comments are submitted in response to the thirteen questions raised in the May 4, 1982 notice.

1) YES. The NRC, under it's present licensing system, reviews and approves the licensee's training program. Further, during visits to the licensee's facilities and jobsites, the NRC has an opportunity to review and observe the operation of, and compliance with, these training and operating procedures. If the NRC uniformly applied it's regulations to all licensees, the employer and radiographer would soon realize the importance of following regulations and safety practices.

2) NO. Does the requirement for a driver's license cause all motor vehicle operators to obey the rules? Third-party certification programs could do no more, and probably would do less, than a well run training program operated by a reputable employer.

There are several radiation safety schools now operating for the purpose of training personnel. Frankly, experience has shown that the employer must completely retrain such personnel to the requirements of the employer's procedures, equipment and work situations.

The NRC in it's May 4 commentary states "The most common procedure violated is the failure to perform a physical radiation survey after each exposure----". What NRC does not say is whether this violation was caused by a lack of training or operator negligence. If as we suspect, it is the latter, no amount of third party effort would solve the problem.

3) In response to a question at one of the public hearings the NRC stated that the third party agency would have no legal responsibility for the actions of certified radiographic personnel after they would complete the required trainings.

Hence, the third party certifying agency has no motivation, other than money, to truly be concerned over whether certified personnel follow required procedures. Third party certifiers have no secrets available to them which would motivate people who they will never see again once the course is complete and their fees have been paid.

Only the employer can motivate their personnel by instilling in them the corporate attitudes toward the moral, ethical and legal responsibility to protect the employee and the public in matters of radiation safety. The employer possesses the only true motivation tools: reprimand, suspension and discharge.

4) The present system is entirely satisfactory in-so-far as it deals with training and certification of radiographic personnel. If their really is a problem, it exists because of the actions, or lack of action, by a few organizations and a minority of the people employed in the radiography industry.

The suggested alternative is totally undesireable for reasons given in response to questions 1-3 and 5-13.

5) Present part 34.31 and Appendix A adequately cover the training necessary to prove competence.

6) Certifying individuals presently working as radiographers contradicts the premise put forth by the NRC in the May 5, 1982 ANPRM. If the alleged problem is caused by present radiographer's lack of use of survey meters, the solution is certainly not to have third party certify personnel who might commit the act in the future. This novel approach might solve another national problem: Release all those presently incarcerated in our prisons to make room for those who are convicted in the future.

7) Whether under present training/examination programs or the proposed system reexamination by the employer should be required on an annual basis. See P.S. on Page 4.

8) The ability to respond to variable manpower needs would be literally destroyed by a third party certification program. There are no organizations presently available to administer a program on a national basis and it is doubtful that there are organizations that would be willing to look at a certification administrative function in every city in the United States. The number of examinations per city per year could not be financially attractive.

If examinations are scheduled monthly, quarterly or twice a year, the employer has two alternatives: Turn down service assignments or pay an extra cost for a special examination schedule.

9) One commentor at the public hearings indicated his organization could give an examination and certify personnel for $40.00 to $50.00 per person. This figure is unrealistic when one looks at the scope of the required written and practical examinations required to prove competency. The certifying agency would have to maintain a dummy (or active) set of radiographic equipment at each examination site for example, as well as personnel competent in administering and proctoring exams, in addition to being fully experienced in the performance of all forms of radiography. A more likely figure would be $300 to $400 per radiographer.

Another expense would be the "double" payment of wages for lost productive time in giving two examinations. Certainly a prudent employer would give his employee the full examination before he allowed the employee to take the official test.

Considering the probability that exams cannot be scheduled in every city, a significant cost would be the travel and per diem expenses for the radiographer from his base to exam site and return.

10) Our answers to all of the other questions clearly indicate that we believe the present system to be adequate because;

A) Third party certification will not force, encourage or motivate a radiographer to follow established operating procedures.

B) The third party certifier has no control over the actions of the radiographer once he has been certified. Neither does the certifier have legal liability for performance.

C) The employer has both responsibility and liability for the actions of his employees, whether trained and examined internally or certified externally.

D) The costs, direct and indirect, would not be justified for the limited benefits.

11) With either alternative, "enforcement action" cannot and should not be discussed until the crime is adequately defined. What constitutes "operate equipment safely" of "follow established procedures"?

The employee obviously has all of the rights guaranteed to him by law. If the radiographer wilfully and knowingly fails to follow procedures and regulations, the employer must invoke the appropriate punative and corrective actions.

12) Probably yes, but on a cost per radiographer, per hour, per year, no more than a "large" licensee.

13) While we are not a third party certifier, we are curious to know how a firm can estimate the cost of a program with unknown parameters, indefinite quantities, etc.

General Comments

1) It should be noted that the original petitioner (NDTMA) withdrew their request, probably after they fully understood the ramifications.

2) The May 4, 1982 Supplementary Information states that the NRC was overlooking a major contributing cause of incidents "where the radiographer acts negligently on his own despite being provided proper, training, testing and safety equipment." The narrative goes on to say no information was provided to support the thesis that a certification program would prevent incidents.

   To undertake a "solution" when there is no evidence to support the validity of the solution is unjustified.

3) The ANPRM gives percentages of exposures attributable to improper actions by radiographers. Numerical values would be meaningful.

   Specifically, how many NRC (and State) investigations in the 10 year period resulted in a finding that the radiographer did not know how and when to use a survey meter? If as we suspect, the answer is only occasionally, a national third party certification program is unwarranted.

Very truly yours,

W. H. Levelius
Vice President

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P.S.: Question 7 indicates the certificate would "be issued to individuals". The employer pays for training, wages, expenses and certification and the NRC proposes to hand the person a mobile radiographers license. Under these circumstances, subsequent employers would never bother training or examining. A radiographer must be trained and examined by every new employer for reasons that should be obvious.

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American Council of Independent Laboratories, Inc.

1725 K Street N.W., Washington, DC 20006

September 2, 1982
File: 66-82

Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Room 1137
Washington, D.C. 20555

DOCKETED
USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Mr. Chilk:

We appreciate the opportunity to comment on NRC's proposal for establishing a third-party certification program for radiographers (Federal Register for May 4, 1982, Vol. 47, No. 86, pgs. 15152-3) as an alternative to the present system which requires a radiography licensee to train and validate individuals as radiographers.

These comments are submitted on behalf of the American Council of Independent Laboratories (ACIL). Established in 1937, ACIL is a professional association of independent engineering and scientific laboratories. Its membership includes leading testing, materials engineering, research, development and inspection firms in the United States. An "independent laboratory" is a taxpaying corporation or proprietorship, unaffiliated with any manufacturing or other company, governmental agency, or academic institution in any manner which might affect its capability to conduct investigations and inspections, make reports or give professional counsel objectively and without bias.

Each ACIL member laboratory has special fields of interest and activity. These include sampling, inspection, physical or nondestructive testing and chemical anlyses or micro-biological testing of raw, intermediate or finished materials and products; research and development; the quality control of composition and performance; and professional consultation in various fields of engineering and scientific technology.

The evaluation and inspection of materials using industrial radiography are services offered by scores of the member firms of ACIL. In addition, there are many other independent laboratories, not within the ACIL community, that offer similar nondestructive testing services. All such laboratories are affected by the present system. Because radiography examination relies on nondestructive evaluation (relying on a probing medium to disclose defects), intelligent evaluation can be made only by personnel who are thoroughly

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trained in theory and application. Training now provided to radiographers is adequate for examination and certification of radiographic technicians and has proven effective for a vast majority of the radiography services industry. A person who has successfully completed the training program and subsequent written qualification tests would undoubtedly be able to recite the correct safety procedures for handling gamma-emitting sealed sources.

The suggested change to third-party certification of radiographic technicians will not eliminate the problem of careless acts of qualified radiographers, and has no merit for the purpose intended. Furthermore, the NRC has stated, and we concur, that due to budgetary constraints and the lack of personnel and equipment, a program for examining and certifying radiographers is prohibitive and not feasible.

Also germane are the following facts: When the third-party certification program was proposed several years ago, 9 of the 11 comments submitted to the NRC advised against the program. Even more telling is the recent reversal of the Non-Destructive Testing Management Association (NDTMA). On May 10, 1982, the NDTMA withdrew its petition asking NRC to initiate this program (Federal Register, Vol. 47, No. 142, 7/23/82, pg. 31887). Because the NDTMA petition, in 1977, prompted NRC to issue this proposal, it would seem logical that the NDTMA's decision to cancel that petition should prompt NRC to withdraw the proposal. Certainly, the primary stated purpose of the NRC's May 4, 1982 notice - "to resolve the NDTMA petition" - has been met. How can NRC justify pursuit of a program opposed from the start by most interested parties and no longer supported by the original petitioners?

If, in spite of the preceding, NRC continues to advocate third-party certification, even though it cannot possibly prevent the careless acts of qualified radiographers,the development and control of such a program should be in the hands of those with expertise in these matters.

Such a third party with expertise in the examination and certification of technicians is NICET, the National Institute for the Certification of Engineering Technicians, a private, non-profit organization founded in 1961 by the National Society of Professional Engineers. NICET has a successful program for the certification of technicians in a number of disciplines, a program that keeps abreast of technology, manpower application practices and educational trends. NICET's objectives, we believe, have always been to build a viable career for engineering technicians, thereby improving the quality and quantity of their services deliverable per dollar cost. The NICET program is a nationally applicable, individualized job-competency based, nondiscriminatory certification system, which can be interfaced with education/training resources and a variety of personnel systems.

Again, we are of the opinion third-party certification will not eliminate carelessness on the part of qualified technicians. If, however, it is to be, ACIL would be willing to join with NDTMA in behalf of the nondestructive testing services professions and explore with NICET the prospects of establishing a third-party certification program for certifying radiographics technicians.

Sincerely,

Joseph F. O'Neil

Joseph F. O'Neil
Executive Secretary

JON/bl