PELTON CASTEEL, INC.

148 WEST DEWEY PLACE • MILWAUKEE, WISCONSIN 53213 • OFFICE TELEPHONE 414/481-3400

August 31, 1982

(76)

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

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20995

Subject: Proposal rule changes in 10CFR, Part 34
Certification of Industrial Radiographers

Dear Sir:

Pelton Casteel, Inc., is a steel foundry operating a small radiograph department composed usually of no more than two persons authorized to act as radiographers. We have used a 10 curie cobalt source for over 25 years with an exemplary record of safety inspection and citation. We do not believe that a third party certification program can improve this record.

A program such as that propcsed will not solve the incidents of over-exposure because the correct problem is not being addressed. The answer lies not in training but rather with supervision enforcing the use of approved operating procedures, particularly with regard to use of survey meters and other monitoring equipment. No degree of certification will be adequate if safe operating procedures are violated.

In-plant certification permits safety emphasis in training with building facilities, exposure equipment, monitoring equipment and operating procedures with which the employee will actually be working. A third party program cannot match this kind of training. A generalized approach has to be used to cover all equipments, facilities and procedures that could be found in the field.

The regulatory function of NRC is established by law to deal with this very problem of licensee safe use of radio-active material. The use of a third party circumvents the responsibility assigned to the NRC by the Congress of the United States.

The additional expense involved with the proposed rule changes will increase the cost of our product in an already highly competitive marketplace.

8209210156

Yours very truly,

Eugene J. Lenar
Vice President, Technical Services

STEEL FOUNDERS' SOCIETY OF AMERICA

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Add: James Jones 5650 NI

EJL/sb

Acknowledged by card 9/16/82 emp

Westinghouse Electric Corporation
Water Reactor Divisions
Box 355
Pittsburgh, Pennsylvania 15230

September 1, 1982

NS-EPR-2653

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

ATTENTION: DOCKETING AND SERVICE BRANCH

Dear Mr. Chilk:

SUBJECT: COMMENTS TO ADVANCE NOTICE OF PROPOSED RULEMAKING "CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS"

This letter is submitted by Westinghouse Electric Corporation, Water Reactor Divisions to provide comments on the advance notice of proposed rulemaking titled "Certification of Industrial Radiographers" as requested in 47 Fed. Reg. 19152 dated May 4, 1982.

Westinghouse agrees that the conduct of industrial radiography must be regulated in a manner that minimizes both occupational and public exposure to radiation. It is our belief, however, that currently existing regulations and supporting industry standards adequately address the training of industrial radiographers and the safe operation of sealed sources in nondestructive testing.

As pointed out in the Federal Register Notice, the difficulty inherent in the regulation of this or any other aspect of the nuclear industry is the enforcement of the implementation of the regulations, as well as, verification of the effectiveness of training programs.

Although no information is presented in the Federal Register Notice concerning the frequency of I&E site inspections (except to investigate overexposure incidents), Westinghouse believes that stronger enforcement of existing regulations through site inspections would result in a major improvement in reducing exposure incidents. In addition to increased I&E inspections, required self audits of operating procedures at the work site by the licensee is recommended. This will place responsibility and accountability for implementation of regulations and license conditions on the licensee and should result in completing radiography operations in a safe manner.

The proposed third party certification will place the major responsibilities on the individual radiographer and the third party, not on the licensee, thus the proposed rule does nothing to increase licensee management's awareness of unsafe radiography practices and, in fact, may further decrease management's concern for safety by providing a formal vehicle that supposedly will assure safety.

As an alternate to third party certification, perhaps the NRC could consider using existing highly qualified individuals in government and industry to assist in the enforcement role. These individuals could be involved in NRC inspections of industrial radiographers to review the adequacy of the licensee's radiation safety practices.

Sincerely,

E. P. Rahe, Jr., Manager
Nuclear Safety Department

TEXAS PIPE BENDING COMPANY

A SUBSIDIARY OF THE BENDIX CORPORATION
PREFABRICATED PIPING · PIPE BENDS · PIPE COILS · WELDED HEADERS
OFFICES & PLANTS HOUSTON, TEXAS AND PONCE, PUERTO RICO
POST OFFICE BOX 5188 · HOUSTON, TEXAS 77012
TELEPHONE 713·643·0681

September 1, 1982

(74)

Secretary of the Commission
Nuclear Regulatory Commission
Washington, D. C. 20555

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

Attention: Docketing and Service Branch

Subject: 10 CFR Part 34 - Certification of Industrial Radiographers
Advance Notice of Proposed Rulemaking

Gentlemen:

We offer the following comments which are sequentially applicable to the above listed subject.

Proposed Alternate to the Present System:
The Commission is presenting an alternative to the present system of permitting a radiography licensee to train and designate individuals as radiographers.

Comment: The obvious reasons for the proposed change being that 3 percent of the licensees are involved in 60-80 percent of the reported over-exposure incidents. We are licensed by the State of Texas which is an agreement State. Our history of over-exposure incidents have been very minimal. For more than 10 years our company has employed a third party to provide the initial training of radiographers in the areas of radiation safety practices and emergency procedures.

Registration and Licensing of Individuals:
The NDTMA proposal of licensing individuals to make the radiographer more responsible thereby reducing the number of incidents.

Comment: While this proposal has some merit, there are too many negatives to make this a desirable solution. The cost to implement and maintain such a program would be too great, plus the responsibility of the Licensee would remain unchanged.

Third Party Certification:
The proposal to amend 10 CFR Part 34 to specify that only individuals who have been tested and certified may act as radiographers.

Comment: We are opposed to your apparent concept for third party certification. Totally unacceptable would be, and I quote, "NRC would make a determination as to whether to recognize a particular organization's program for certification. Following acceptance ---- the NRC regulations would be amended to require certification by that organization." The

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Add: James Jones 5650 NL

Acknowledged by card. 9/16/82. mwp

licensee should have the right to select the third party. The individual's certification of competency would be issued to the licensee by the third party providing initial training.

To the degree and extent expressed above, we believe that initial training by a third party is more effective.

Invitation to Comment:

1. The question is too general in nature. Yes for the Licensee with a good record. No for the Licensee with a history of repeat incidents of over-exposure.
2. Yes.
3. No - motivation is not what is missing. Full knowledge and understanding of the safety regulations plus management emphasis on the strict adherence to these rules.
4. See comments above.
5. The third party training program shall include as a minimum those topics identified in Appendix "A" of 10 CFR Part 34.
6. Should apply to all radiographers with a grace period on compliance for those presently working as radiographers.
7. The third party would provide the Licensee with a certification for those who had satisfactorily completed their initial training. Additional training and recertification by the Licensee could be required as a corrective action measure for reasons such as negligence in over-exposure incidents.
8. Yes - Some allowances would be necessary for response to variable manpower needs for short terms.
9. Yes.
10. Third party certification as defined herein is preferable for reasons already stated.
11. The possibility exists that some reported incidents involving over-exposures might not contain all the facts necessary to determine the cause. In over-exposure incidents, only the radiographer and, in some instances, his supervisor can identify the true cause of that particular incident.
    (a) If the radiographer was negligent, he might formulate a version different from the truth.
    (b) Should the supervisor be in error, his reporting to management might omit this fact. The supervisor could sway the radiographer into corroborating his version of the incident.

11. (c) If management contributed to the cause, their report to the authorities might reflect otherwise.

It is for these reasons that the Licensee must retain total responsibility for all incidents involving over-exposures. The Licensee is obligated to provide training and to police his organization to the extent necessary to assure that neither the radiographer nor members of the general public are exposed to excessive radiation.

12. A small Licensee may need additional time in order to comply, but the economic impact would not be disproportionate.

13. The estimated cost of initial training and certification by a third party as defined herein for each radiographer is between $700.00 and $1000.00. This estimate assumes that the Licensee will pay for the radiographer's salary plus third party costs but does not include travel expenses.

Very truly yours,

TEXAS PIPE BENDING COMPANY

Steve Smith

Steve Smith, Manager
Quality Assurance

SS/nm

GENERAL DYNAMICS
Electric Boat Division
Eastern Point Road, Groton, Connecticut 06340

August 31, 1982

(73)

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: Title 10 - Chapter 1, CODE OF FEDERAL REGULATIONS, Part 34 - Proposed Rulemaking: Certification of Industrial Radiographers

Reference: (a) Federal Register, Volume 47, Number 86, dated May 4, 1982, P. 19152
(b) Title 10 - Chapter 1, CODE OF FEDERAL REGULATIONS - Part 34

Enclosure: (1) Comments Regarding Subject Proposed Rulemaking

Dear Sir:

General Dynamics, Electric Boat Division, submits herein comments solicited by reference (a) relative to the 10 CFR 34 proposed rulemaking for the implementation of a third-party certification program for industrial radiographers.

Selected items from reference (a) have been addressed separately in the attached enclosure. Electric Boat Division, which opposes the suggested certification program, has chosen not to comment on items that reference conditions associated with the implementation of such a program.

Electric Boat Division offers for NRC consideration what it considers to be a viable alternative to those discussed in reference (a) to enable the NRC to determine the effectiveness of the training programs administered by radiography licensees. This alternative is addressed in Item 10 of enclosure (1).

Sincerely,

GENERAL DYNAMICS
Electric Boat Division

R. H. Surprenant

R. H. Surprenant, Manager
Nondestructive Testing and
Engineering

RHS/CJS/cer

Enclosure

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Add: James Jones 5650 NL

Acknowledged by card. 9/16/82 emp

ITEM 1: Is the training provided to radiographers under the present system adequate?

EBDIV. COMMENT: The present system is adequate in that it provides a foundation upon which licensees may develop and administer training programs which satisfy their specific safety needs. Whether a licensee adheres to the training program submitted to, and approved by, the NRC is another matter. It is feasible that a third-party certification program, which provides a standardized training curriculum, could eliminate deviations from an approved training program. However, the impracticability of such a program to be designed relative to the hazards unique to each licensee's industrial environment should be a major consideration when determining the adequacy of such a program. EB Div. contends that a third-party certification program would be limited to providing a generalized program and that the more effective method is one which allows responsible licensee management to develop and administer a program that encompasses the general safety requirements as well as those criteria applicable to the conditions unique to each licensee's operations.

ITEM 2: Would a third-party certification program reduce the number of overexposures in the radiography industry?

EBDIV. COMMENT: Probably not. While a third-party certification program could conceivably provide the basics of radiation safety, it could not guarantee adherence to established safety procedures or regulations. Radiation safety is the responsibility of licensee management and only through effective management controls can a reduction in the number of overexposures and deviations from established criteria be realized.

ITEM 3: Would a third-party certification program motivate radiographers to work more safely?

EBDIV. COMMENT: It is unlikely that the suggested third-party certification program could provide a motivating force sufficient to ensure that radiographers work more safely. Once again, the emphasis must be placed upon the role that effective management controls play in this area. A responsible management which causes the performance of routine and thorough internal audits, and administers progressive disciplinary action for safety violations, is far more effective at motivating radiographers to adhere to established safety procedures than a third-party certification program could possibly be.

ITEM 3: (Continued)

EB Div. maintains an internal radiation audit organization which, in effect, functions as a "third-party" certification and inspection agency with responsibilities separate from those of its production organization. It is accountable for the training and retraining of radiography personnel and the auditing of radiography operations to ensure the effectiveness of the training provided and compliance with applicable rules and regulations. The establishment of this well-qualified and skeptical presence within EB Div. is the principal contributing factor to its excellent safety/operating record. The suggested alternative could not, in our opinion, provide EB Div. with the same comprehensive commitment to safety regarding the use of radioisotopes in industrial radiography.

ITEM 4: What elements in the present system or in the suggested alternative are particularly desirable or undesirable? Why?

EBDIV. COMMENT: As previously noted, the present system affords licensees the fundamental groundwork upon which they may expand NRC safety requirements to more specifically address conditions unique to their individual radiography environments. The suggested alternative cannot provide the individualized training that is an essential element for the safe use of radioisotopes in industrial radiography.

ITEM 5: If a third-party certification program is adopted, what items should be included in the standard for determining the competence of individuals to act as radiographers?

ITEM 6: If a third-party certification program is adopted, should it apply to individuals presently working as radiographers or only to new radiographers?

ITEM 7: If a third-party certification program is adopted, should certificates be issued to individuals for life or should there be periodic renewals of the certification?

EBDIV. COMMENT: Items 5, 6 and 7 - EB Div. has chosen not to comment on items which reference conditions that could only exist if a third-party certification program were adopted.

ITEM 8: Would a third-party certification program affect the ability of a licensee to respond to variable manpower needs?

EBDIV. COMMENT: Most assuredly it would. With the present system, licensees may increase their work force and provide training to new-hires whenever workload schedules demand. The adoption of the suggested alternative, however, would place undue restrictions upon a licensee's manpower loading schedules in that the planning for such would have to coincide with a third-party training calendar. The concept of a licensee's manpower loading being dependent upon the availability of a third-party certification program is unacceptable to EB Div.

ITEM 9: Since a third-party certification program would likely be based on cost recovery by a fee system, would the cost to the licensee of such a program be warranted?

EBDIV. COMMENT: EB Div. contends that neither the fee nor compulsory participation is warranted for such a program for licensees that consistently maintain excellent safety records.

ITEM 10: Which alternative of the two discussed (present system, third-party certification) is preferable? Why? Are there other better alternatives? If so, please explain.

EBDIV. COMMENT: As reference (a) points out, the inherent problem with the present system is the difficulty of verifying the effectiveness of a licensee's training program. EB Div. maintains that a key indicator of the effectiveness of a licensee's training program, as well as its management controls, is its actual operating/safety history. Rather than implement a third-party certification program, EB Div. suggests that the NRC revise its inspection policy to enable it to thoroughly investigate chronic safety violators to determine where deficiencies exist. The present means of inspecting training records to determine the adequacy of a licensee's training program cannot provide sufficient verification of training effectiveness or individual radiographer knowledge of NRC regulations and the licensee's operating and emergency procedures. EB Div. contends that NRC inspections of actual radiography operations at a licensee's facilities and/or field sites are the most effective means of confirming a licensee's training effectiveness.

ITEM 10: (Continued)

EB Div. recognizes that the number of radiography licensees places an inspection burden on the NRC and limits the inspections that are conducted in both time and scope. As such, it is proposed that the NRC adopt an inspection policy which would permit it to concentrate its investigative efforts on the licensees that consistently indicate a need for reorganization of management controls and training procedures based on their operating/safety records. The implementation of a random sampling inspection technique for those licensees that consistently exhibit a commitment to safety would provide additional time for the NRC to concentrate, on a case-by-case basis, its inspection (and re-inspection, if necessary) efforts on the chronic violators.

ITEM 11: With respect to the two alternatives, what kind of enforcement could and should be taken against radiographers who do not operate equipment safely or follow established procedures? What rights should radiographers have with respect to such enforcement actions?

EBDIV. COMMENT: Under the present system, effective management controls should enforce safety procedures by administering appropriate disciplinary action against radiographers responsible for safety violations. Rights of radiographers, like other personnel subject to disciplinary action, would be determined in accordance with applicable labor agreements, company rules and procedures, common law principles, and any statutory or regulatory provisions which might apply in a particular case.

ITEM 12: Would a small licensee because of its size bear a disproportionate adverse economic impact under a third-party system?

EBDIV. COMMENT: No comment.

ITEM 13: For those organizations that are interested in participating in a third-party certification program, what would be the estimated cost in implementing such a program?

EBDIV. COMMENT: Should the Commission proceed with the implementation of the proposed third-party certification program, EB Div., although opposed to the suggested alternative, expresses an interest in becoming an authorized certifying agency.

The cost involved to implement such a program can only be developed after a criterion has been established as to which portion of the training required by reference (b) will be administered by the third-party certification agency versus that portion for which the licensee will be responsible.

(72)

Consumers Power Company

DOCKETED USNRC

'82 SEP -7 A11:26

OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

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

General Offices: 212 West Michigan Avenue, Jackson, MI 49201 • (517) 788-0550

September 2, 1982

Secretary of the Commission
US Nuclear Regulatory Commission
Washington D.C. 20555

Attention: Docketing and Service Branch

The following are Consumers Power Company's comments on the proposed rules to 10CFR34, Certification of Industrial Radiographers.

Question #1

Yes, under our program; may not be in others. However, this program is approved by the NRC. The commission should provide closer reviews and require more standard training programs.

Question #2

We feel it would have very little effect if any on the number of overexposures. Adequate surveillance of programs and operation would be more effective.

Question #3

No, we feel that the company or licensee's attitude toward safety motivates more than any third party certification would.

Question #4

The present system is desirable because it provides minimum requirements and gives the licensee the flexibility to tailor the training program to suit the specific needs of his business.

Question #5

Present requirements are adequate.

Question #6

If it is deemed necessary to adopt a new certification program, then everyone should have to meet the same requirements. No grandfathering.

Question #7

Yes, certificates should be issued. Periodic training is required under the present program and should continue to be required. However, it should be the responsibility of the licensee.

DS10
Add: James Jones 5650 NL

Acknowledged by card. 9/16/82 emp

Secretary of the Commission September 2, 1982

Question #8

Yes, it would possibly cause delays and additional exposures.

Question #9

We do not feel the added cost would be warranted. The commission has stated that its previous proposal to license radiographers is not feasible due to budgetary constraints. The whole industry is experiencing budgetary constraints due to the present economic conditions. We do not consider it cost effective to adopt a third party certification program.

Question #10

Present system is preferable and provides adequate requirements.

Question #11

On significant violations or repeated minor violations, he should be restricted from performing radiography. This is why we favored previous proposals which included registration of radiographers and measures such as suspension or termination of license. The radiographer should have the right to defend and appeal any action taken.

Question #12

Probably.

Question #13

Consumers is not interested in participating. The actual cost is not known but is estimated to be $20,000 - 100,000 depending on specifics.

David J VandeWalle

David J VandeWalle
Nuclear Licensing Administrator

DUKE POWER COMPANY
GENERAL OFFICES
422 SOUTH CHURCH STREET
P. O. BOX 33189 CHARLOTTE, N. C. 28242
TELEPHONE: AREA 704
373-4011

August 27, 1982

(71)
DOCKET NUMBER
PROPOSED RULE PR-34
(47 FR 19152)

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Docketing and Service Branch

Subject: 10CFR Part 34
Certification of Industrial Radiographers
Proposed Rulemaking, Comments

Gentlemen:

Duke Power Company is pleased to submit the following general and specific comments on the subject advance notice of proposed rulemaking announced in the Federal Register, Vol. 47, No. 86, dated Tuesday, May 4, 1982.

General Comments

As far as Duke Power Company is concerned, we are opposed to the 3rd party certification of radiographers and to the national program that this will require. We believe that, in general, radiation safety in industrial radiography on a national level represents a significant regulatory problem that requires licensee management attention and improved enforcement by the regulatory body to resolve. We do not believe that this problem can be resolved by a requirement for 3rd party certification of radiographers and by setting up a national system to implement this certification program.

On the other hand, if as a result of the comments received on this proposed rulemaking, the NRC proceeds with this certification program, we ask that the mechanism described below that is utilized by Duke Power Company be considered as fully meeting the requirements for 3rd party certification of radiographers.

Duke Power Company is licensed in two Agreement States (North Carolina and South Carolina) to conduct radiography operations and our radiation protection record in conducting this program over the past 10 years or so has been good. Our System Health Physicist on the General Office staff (now called the Nuclear Production Department) serves as Corporate Radiation Protection Officer for the Radiography Program which is actually conducted in the field by a separate department of the Company (the Quality Assurance Department).

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Add: James Jones 5650 NL

Acknowledged by card. 9/16/82 emp

After completing a radiography safety training program that fully complies with all regulatory requirements, the candidate radiographers (or radiographers assistants) are given a written and an oral examination by the Corporate Radiation Protection Officer (or by other qualified Health Physicists on his staff). These examinations fully test the candidate's knowledge and understanding of radiation protection principles and radiography procedures as well as the proper use of radiography equipment and survey instruments. We believe that this testing and program control by qualified Health Physicists in another department of the Company should be considered by the NRC as fully meeting their requirements for third party certification and further that this mechanism of control does not require interaction on a national level.

Specific Comments

This section contains our replies to the questions/comments asked in the notice of rulemaking.

1. Training provided to radiographers by Duke Power Company fully complies with all regulatory requirements and as described above under general comments we believe that the separation of training and testing by Health Physicists in another department is fully adequate.

2. We believe that third party certification would only, in small part, reduce the number of overexposures in the radiography industry; that primary responsibility lies with licensee management and enforcement by the regulatory body.

3. To the extent that safe work practices are instilled through proper training, third party certification would motivate radiographers to work more safely; however, we consider this to be a secondary consideration as compared to management and regulatory control of all aspects of the Radiography Program.

4. The present regulatory training requirements and the qualifications system utilized by Duke Power Company has resulted in good operating experience and has proven to be quite effective. Third party certification as proposed may be quite costly and time consuming. We also believe that a third party would not be sufficiently knowledgeable of a specific licensee's operating and emergency procedures and as such this may be an undesirable aspect.

5. Training program requirements in the existing regulations should be included in the standard for determining the competence of individuals to act as radiographers.

6. If a third party certification program is adopted, it should apply only to new radiographers since to do otherwise would impose a major burden on licensees.

7. Either periodic renewals could be required or proof of good operating experience over the period may be substituted.

8. Third party certification could seriously affect the ability of a licensee to respond to variable manpower needs, particularly during the initial period when the radiographers involved are being examined.

9. The benefit to individual licensees would probably be highly disproportionate to the cost. Little or no benefit to Duke Power Company would be realized through the proposed system and the cost therefore would not be warranted.

10. If the NRC proceeds with this third party certification program, we ask that the method utilized by Duke Power Company be considered as fully meeting the requirements.

11. As stated above, enforcement action should be taken against licensees rather than radiographers. Action against individual radiographers would then become a management prerogative.

12. A small licensee because of its size would bear a disproportionate adverse economic impact under a third party system.

13. Although an actual dollar value for implementation of the proposed system would be difficult to determine, it becomes obvious that a great cost would be entailed when one looks at what would be required.

    a. Materials and manpower for development of a standard;
    b. Materials and manpower for development of the certification system;
    c. Materials and manpower to support the operation of the proposed system;
    d. Possible increased cost of training time for exam preparation;
    e. Increased cost of radiographers as a result of variable manpower;
    f. Cost of transportation and manpower time to take examination.

Hal B. Tucker

Hal B. Tucker, Vice-President
Nuclear Production Department

LL/scd