



DOCKETED PROPOSED RULE PR 342150
USNRC (59 FR 9429)

Texas Department of Health

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May 20, 1994

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

Attn: Docketing and Service Branch

Re: RIN 3150-AE07

Dear Sirs:

Staff members of the Texas Department of Health, Bureau of Radiation Control (Agency) have reviewed the proposed revisions to 10 CFR Parts 43 and 150 concerning industrial radiography and offer the following comments for consideration:

In general, the staff of the Agency applaud the United States Nuclear Regulatory Commission's (NRC) efforts to move toward certification of industrial radiographers and to incorporate many of the other provisions of the Texas Regulations for Control of Radiation (TRCR). Also, although not specifically applicable to the proposed rule, it should be noted that, as of September 1, 1993, the state of Texas no longer provides a 90-day grace period for certification for non-Texas licensees operating in Texas under reciprocity.

In Section 34.3, it is more appropriate to define "guide tube" and parenthetically reference "projection sheath." The term "projection sheath" is not commonly used (if it is used at all) among the industrial radiography industry or other regulatory agencies.

In Section 34.13, is 34.13(b) intended to mean additional safety training given on an annual basis? If this is the intent, then the term "annual safety training" should be u.c.d. A "review" could also mean an "audit" and therefore cause confusion with 34.13(e).

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In Section 34.23, the term "before moving from one location to another..." is confusing. Does this mean moving from one section of pipe to another or does it mean loading the device on some vehicle and transporting it? Since all cameras are eventually required to have self-locking mechanisms that require a deliberate action to unlock the device, to require that the crankouts and guide tube be removed prior to moving the device as little as a few feet is unnecessary and adds no additional measure of radiation safety. Section 34.23(a)(1) requires that sealed source assemblies in devices manufactured before January 10, 1992 be manually secured in the shielded position. It is suggested the term "prior to transport by vehicle or storage of camera...." be used.

In Section 34.25(b), a requirement that the calibration be done by a person licensed by the Commission or an Agreement State to perform such service should be added.

In Section 34.31, a sentence should be added to read, "All appropriate components shall be maintained in accordance with manufacturer's specifications."

There are situations where more than one exposure device is being used at one location. By using multiple cameras simultaneously, the work can be done quicker. It is suggested that the wording, "Each licensee shall provide, as a minimum, two radiographic personnel for each exposure device in use for any industrial radiography conducted at a location other than at a permanent radiographic installation," be used.

Section 34.42(b) is too abbreviated because the radiation safety officer should be responsible for all facets of the radiation safety program. It is suggested that the requirements of TRCR 31.23(c)(5) through (7) and (9) through (12) be added to 34.42(b).

This Agency has historically shown that, prior to the implementation of the 1987 revision to TRCR Part 31, the majority of incidents in industrial radiography involved radiographer's assistants and that the main reason for the incident was a lack of, or insufficient, radiation safety training. We firmly believe that radiographer's assistants (trainees in Texas) must have classroom radiation safety training prior to using sources of radiation. To not require safety training prior to using sources of radiation is not addressing one of the root causes of industrial radiography incidents. Section 34.43(b) should require such training.

In Section 34.43(a)(2), the second sentence seems out of place. The sentence seems more applicable to Appendix A.

Section 34.43(b)(3) is unclear. The section should read, "Has demonstrated understanding of the instructions provided under (b)(1) of this section by successfully completing a written test and field examination on the subjects covered in 34.43(f).

In Section 34.43(f), source retrieval and radioactive contamination/decontamination should also be included as required training topics.

As stated many times in the past, this Agency does not believe that the requirement for alarming ratemeters provides enough additional measure of radiation safety to warrant the additional resources (both industry and regulatory) necessary to implement this requirement. It is entirely possible that this requirement will create a trend in which radiographic personnel depend on the ratemeters (which have been found to be both faulty and ineffective under certain conditions) rather than a survey meter. The survey meter is the foremost and primary safety measure for radiation protection. To potentially create a "false security" with alarming ratemeters and possibly discourage diligent use of survey meters could be detrimental.

However, the NRC seems insistent upon requiring use of alarming ratemeters. Therefore, the rule should be relaxed to recognize the situations where they are not feasible (i.e., high ambient noise levels).

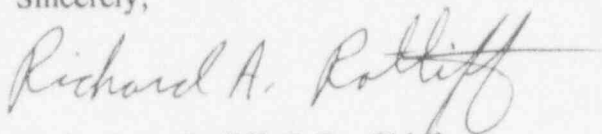
The requirement in 34.47(a)(3) for monthly exchange of film badges and TLDs is beneficial. Generally, overexposure incidents reported to us are from a single event. Many times they are not discovered until the personnel monitor is processed. Investigations of these incidents are not very effective if three months have elapsed since the event.

The concept of industrial radiographer testing certification is one that originated in the state programs and first became a reality in Texas. Since that time, many negotiations and discussions have occurred between NRC, the Agreement States, and ASNT. The minimum standards for certification programs specified in Part 34 are, for the most part, the result of those discussions and negotiations. To now say that the Commission reserves sole authority to establish such standards is completely contrary to the "partnership" relationship already established. This requirement severely limits the state programs from making necessary improvements in their certification programs. The NRC should commit to membership on a group or committee which has the collective knowledge and experience to establish minimum standards for a certification program and that committee should establish standards.

The requirement for an exam question bank to have ten times the number of exam questions on one exam is too burdensome. Experience has shown us that to develop that many questions (at least 1250 questions for Texas) results in duplicative questions that are not necessary and are a waste of resources. Adequate variety of exams and assurance that no one individual takes the same exam twice is easily handled through proper exam development of monitoring of rosters of persons taking each exam.

Thank you for the opportunity to provide input. If you have any questions concerning the comments, please contact Mrs. Ruth E. McBurney, C.H.P., Director, Division of Licensing, Registration and Standards at (512) 834-6688.

Sincerely,



Richard A. Ratliff, P.E., Chief
Bureau of Radiation Control