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Texas Department of Health

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May 24, 1994

DOCKET NUMBER
PROPOSED RULE ~~PR 341150~~
(59 FR 9429)

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

Attn: Docketing and Service Branch

Re: RIN 3150-AE07

Dear Sirs:

The Conference of Radiation Control Program Directors, Inc. (CRCPD) G-34 Committee on Industrial Radiography met on May 20-21, 1994, to discuss the certification concept of the proposed revision to 10 CFR 34. Those attending the meeting included Jan Ice (Texas), Mike Henry (Louisiana), Paul Brown (Illinois), Ed Bailey (California), Bob Walker (Canada), Bob Anderson (American Society for Nondestructive Testing, Inc.), Donny Dicharry (Non-Destructive Testing Management Association), and myself. The G-34 Committee offers the following comments for consideration:

The G-34 Committee felt it would be beneficial to the Commission to summarize the certification efforts to date. ASNT and Texas have certification programs that have been in place many years. Iowa, North Dakota, and Oklahoma have current contracts through the CRCPD to obtain the Texas exam for use in their certification programs. Louisiana, Nevada, and Georgia are currently negotiating contracts with the CRCPD to utilize the Texas exam. Over 4400 individuals have been certified by these entities.

The current proposed wording in Section 150.15b must be significantly amended. The Committee suggests the section be reworded to state, "The Commission reserves the authority to designate acceptable certifying entities for Commission licensees." In light of the history of the development of the industrial radiography certification concept, it is contrary to the working partnership which has evolved between the Commission and the current certifying entities (ASNT and several Agreement States) for the Commission to now reserve sole authority to establish minimum standards for certification programs and to identify acceptable certifying entities. To date, the knowledge and experience in developing and administering such programs

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lie with the current certifying entities. The Commission has chosen not to be a certifying entity. By reserving this sole authority, the Commission is essentially dissolving the "partnership" relationship. Current certifying entities would not be allowed to make improvements to their programs as the certification of radiographers continues to evolve and many Agreement States may be forced to repeal current requirements which have proven to be effective.

In the Section titled "Agreement State Compatibility," the sixth sentence should read, "...reciprocally recognize valid radiographer certification programs of either an...." There could exist situations in which the Commission or an Agreement State would not want to reciprocally recognize an individual because of his/her compliance history.

The last sentence of this section must be reworded. Again, the "partnership" relationship among those involved in certification is negated by this sentence. As stated earlier, several certification programs have already begun or are pending and several thousands of radiographers are affected. The knowledge and experience needed to evaluate such programs lie with the certifying entities. By stating that the programs must be submitted for review and evaluation prior to implementation will result in automatic noncompliance for many. The Committee suggests that the Commission "grandfather" those certifying entities already established and operating by the effective date of the revision to 10 CFR 34.

Appendix A.I.4. is beneficial because it could prevent a multitude of organizations from becoming certifying entities.

Appendix A.I.3. should read, "...open to members and nonmembers," for clarification.

Appendix A.I.5. should read, "Have an adequate staff..." Depending upon the magnitude of the certification program (i.e., how many certifications processed), it may not be necessary to have a staff dedicated to certification on a full-time basis.

Appendix A.I.9. should read, "all aspects of its certification program, including required proctor qualifications and proctoring procedures,..." This is to ensure integrity of the exam process.

Appendix A.I.12. should end after "...and/or Agreement States" and a new item should then be added to read, "Shall allow periodic review of its certification program and related records by the Commission."

Appendix A.II.1. should read, "...set forth in 34.43(f) of this part or equivalent Agreement State regulations."

Appendix A.II.2. should read, "Require applicants to provide documentation that the applicant has..." for clarification.

Appendix A.II.2(a). should read, "...of this part or equivalent Agreement State regulations."

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The word "independently" should be deleted from Appendix A.II.2.(c) because it is in conflict with the requirement for a two-person crew.


Appendix A.II.4, 6, 8, and 9 should be deleted and a new section combining those concepts should be added to read, "Include procedures for denying an application, revoking, suspending, and renewing a certification;" Agreement States may not be legally able to implement II.8. and 9. The G-34 Committee will be developing a certification guidance document which will include model procedures for denying, revoking, suspending, and renewing a certification.

Appendix A.II.7. should be ended after the word "restricted;" delete the remainder of the sentence.

Appendix A.III.4., 5., and 6. should be deleted and a new section combining those concepts should be added to read, "All items should be analyzed using nationally-recognized examination psychometric methods.

Thank you for the opportunity to provide input. If you have any questions concerning the comments, please contact me at (512) 834-6688.

Sincerely,



Cynthia C. Cardwell, Chairperson
G-34 Committee