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Consulting Engineers • Testing • Inspection Services • Analytical Laboratories

DOCKETED
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May 26, 1994

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

DOCKET NUMBER

PROPOSED RULE

PR 39-150

(59FR 9429)

Attention: Docketing and Service Branch

Reference: Mandatory Third Party Certification of Radiographers

Gentlemen:

I have been an active radiographer for over thirty years and have worked with Radium, Cobalt, Cesium, Iridium, Ytterbium and various X-Ray equipment under virtually every kind of field and shop condition. I do not believe a third party written examination will serve to improve my competency.

More importantly, third party certification may lead to ipso facto discriminatory hiring practices. Consider an employer who must pay for third party certification. He may simply make it a condition of employment that all applicants show evidence of certification before they are eligible for hire, thus placing the burden of certification, and training, on the applicant. Otherwise qualified persons who cannot afford the training and certification expense, often minority or non-union people will be excluded from the hiring opportunity.

Additionally, employees who fail to pass a third party written examination or who do not have proper documentation of third party prerequisites may be "weeded-out" of employment ostensible for those reasons. Many unions have apprentice programs and only those persons who complete the union program are eligible for journeyman work. This may also exclude non-union affiliates or provide unfair advantage to those who enter the apprenticeship program.

Another concern for third party certification is the likelihood of "body-shop" temporary employment services providing "paper-trained" radiographers for short-term hire. Small NDT testing services currently providing one-person radiography to clients on a less than forty hours/week basis may find it untenable to hire another person on a full-time basis if two-radiographer requirements are imposed across the board.

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The alternative is to hire, or rent, a radiographer for short duration jobs, thus avoiding the full-time expense of medical and other benefits. The temporary radiographer would be an employee of the body shop, who has not been trained by the NDT testing laboratory or otherwise judged suitable for a particular job assignment. The situation may be further complicated by the fact that the radiographer's allegiance is to his employer and both their paychecks stop as soon as the work is completed. The incentive is to prolong the job as long as possible, adding to the financial burden of the NDT testing service and his client (and ultimately, the consumer).

If third party certification must be made mandatory, the burden of compliance may force some radiography licensees to reconsider the continued use of licensed material or to "cut corners" in other areas to compensate.

When added to the already high cost of doing business, such as paying thousands of dollars to dispose of equipment regulated into obsolescence; the burden of high annual fees; surcharges; high USNRC budgetary costs; licensing; retiring equipment that cannot be retrofit to meet new regulatory requirements (exposure devices, alarm rate meters, etc.) and other costs, many firms may be forced to abandon their license.

The creation of the AEC was to create peaceful uses for atomic energy. The aim of the NRC appears to be to regulate those uses out of existence. Third party certification on a voluntary basis seems like a good idea and a good compromise for companies with a long-standing record of training, qualifying and utilizing competent radiographers, who wish to exercise control over the processes they must ultimately shoulder responsibility for.

Please consider the following questions if third party certification is to be mandatory:

1. Can exceptions be granted to companies with long-standing record of safety and compliance provided they have in-house programs meeting comparable (e.g., current 10 CFR 34) requirements?



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2. Can presently qualified personnel be "grandfathered" in?
3. Can the third party certification agency be held accountable in the event of failure to comply with 10 CFR requirements by individuals so certified? (This should be a condition for third party agency acceptance, since they will be setting the standards and generating income.)

I am sure there are other valid arguments against mandatory third party certification. I hope you hear and listen to them without prejudice.

Respectfully submitted,

CTL ENGINEERING, INC.


James L. Crowley
NDE Services

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