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JAMES L. LAROCCA  
COMMISSIONER

PETITION RULE PRM-20-13 (44FR11284)

May 14, 1979

AGENCY BUILDING 2  
EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12223

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

Attention: Docketing and Service Branch

Dear Sir:



The cognizant New York State radioactive materials regulatory agencies have reviewed the Petition for Rulemaking, Docket No. PRM-20-13 (Federal Register, February 28, 1979), which seeks NRC certification of health physics personnel.

Based on this review New York opposes the action proposed by the petitioner for the following reasons:

- The health physics qualifications of a licensee's radiation safety officer (and any individual authorized users) are reviewed and evaluated during the licensing process. The issuance of the license is conditioned on an adequate radiation safety program which includes a consideration of the licensee's organization to ensure sufficient authority for the radiation safety officer and staff.
- Licenses vary from major nuclear facilities, such as nuclear power plants, to the use of small sealed sources in industrial gauges. Not all licenses would require the services of a "certified" health physicist. The existing license application review process ensures that the radiation safety training and experience is commensurate with the licensed activity.
- NRC certification of health physicists would duplicate an existing professional certification program conducted by the American Board of Health Physics.
- Based on New York's experience the present licensing program adequately protects both radiation worker and public health and safety. Any improvement gained via the proposed certification process would likely be minimal and far outweighed by the increased workload and cost required to administer such a program.

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May 14, 1979

We appreciate being given the opportunity to comment on this matter.

Sincerely,



T. K. DeBoer

Director of Nuclear Operations

TKD/plc

cc: Dr. Francis J. Bradley  
Thomas J. Cashman  
Sherwood Davies  
Dr. Leonard R. Solon  
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