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PETITION RULE PRM-20-13 (44FR11284)

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

Attention: Docketing and Service Branch

Gentlemen:

Subject: Victor E. Anderson, Petition for Rulemaking

By notice published in the Federal Register dated February 28, 1979, the Nuclear Regulatory Commission indicated that Victor E. Anderson filed a petition for rulemaking requesting that the NRC amend its regulations in 10CFR20, "Standards for Protection Against Radiation", to require that Health Physics personnel be certified by the NRC. The Westinghouse Electric Corporation hereby offers the following in response to your request for public comment.

To support his petition, Mr. Anderson asserts that the health physics function is an important function at an NRC license facility. Further, present day utility employees fulfilling the health physicist role do not demonstrate a sound understanding of the principles of their profession. In addition, he claims there are no official legal standards except for a Regulatory Guide and some ANSI standards. However, the "primary reason" for Mr. Anderson's petition is to prevent management from placing pressure on health physics personnel to engage in bad practice.

Mr. Anderson is either not aware of or intentionally is overlooking current requirements established for Health Physics Personnel and Radiation Safety Officers at NRC licensed facilities. For example, Title 10 of the Code of Federal Regulations, 50.34(a)(9) and 70.23, currently require licensees to be technically qualified by reason of training and experience to engage in the proposed activities in accordance with the regulations before the Commission will issue or approve their application for a license. In addition, the regulations provide for penalties, including injunctive relief, civil penalties and in case of wilful violators, criminal penalties for violation of the federal regulations. If Mr. Anderson can produce any evidence to support his allegations, an investigation should be performed by the NRC and provided the allegations are correct the NRC should assess the penalties provided for in the regulations.

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Individual Health Physics personnel are provided protection from undue influence by current federal regulations. Part 19.16(a) states: "Any worker (emphasis added) or representative of workers who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged..."

and, Part 19.16(c) further states:

"No licensee shall discharge or in any manner discriminate against any worker (emphasis added) because such worker has filed any complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter..."

In addition, Regulatory Guide 8.8 (Rev. 3) specified that the radiation protection function should be independent from station organizations (e.g. operations, maintenance, etc). The radiation protection manager should report to the plant manager (superintendent or equivalent title). While this is only a regulatory guide, actual practice indicates that this is a firm NRC requirement.

The NRC reviews the qualifications (education, administration, and experience) of Health Physics personnel during the license review. In addition, the NRC Inspection and Enforcement Branch conducts periodic inspections to assure that the appropriate licensee's Health Physics Personnel adequately perform the functions within their area of responsibility.

The certification programs of, for example, the American Board of Health Physics, and the National Registry of Radiation Protection Technologists, provides methods for accrediting Health Physics professionals and technicians, respectively. Generally, the prerequisites for taking the certification test are education requirements and a minimum number of years of experience in the Health Physics discipline.

The Westinghouse Electric Corporation feels that the above considerations, in conjunction with the American Board of Health Physics proposed changes regarding certification for nuclear power facilities personnel provide reasonable assurance that the radiation protection function can be carried out in a responsible manner.

Therefore for the reasons stated above the subject petition should be denied, and petitioners should be discouraged from contributing to the inflationary cost of additional regulations by asking for rule-making where there are already adequate safeguards.

Westinghouse appreciates this opportunity to comment on this petition for rulemaking. If you have any questions regarding this matter, please write me at the above address or telephone me on 412-373-4652.

Very truly yours,

*Ronald P. DiPiazza*

Ronald P. DiPiazza, Manager  
NES License Administration

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