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PROPOSED RULE 20M-20-13 (44FR11284)

COLLEGE OF ENGINEERING  
DEPARTMENT OF NUCLEAR ENGINEERING

BERKELEY, CALIFORNIA 94720

April 19, 1979



Secretary to the Commission  
U.S. Regulatory Commission  
Washington, D.C. 20555

Re: Comment on Proposed Rule Making, Docket No. PRM-20-13

Dear Sir or Madam:

By way of background, I am a professor of nuclear engineering, a former reactor supervisor of the Berkeley Research Reactor, a current Senior Reactor Operator, and an instructor in such courses as concern radiation protection, characteristics of radiation instrumentation, and reactor operating characteristics. I should like to comment on the two parts of the proposed rule, separately.

"20.600. Only individuals certified by the Commission may make surveys, evaluations, and decisions on matters of radiation protection. This does not preclude individuals from taking actions for their own protection."

This rule would have the effect of insuring high standards for personnel in the field of radiation protection, as does the granting of licenses for persons who operate nuclear reactors. I am not sure that as many levels of certification are necessary, as have been proposed, but I am sure that it is not necessary to certify "trainees" who have no authority to make recommendations, any more than it is necessary to license reactor-operator trainees who have no authority to operate.

"A licensee may not override the decisions of a certified Health Physicist except in cases where the Health Physicist decision(s) are a clear violation of Federal Regulations or will result in a clear and present danger of loss of life."

This rule is clearly unwise. Health physicists (it would be better to call them "radiation protection specialists") should have strictly an advisory role and should not be interjected into the operating chain. I quite agree, however, that it should be more difficult for operating personnel to override recommendations of health protection specialists. The proposed method of making it more difficult, would create more problems that it would solve. The frequent disputes which would occur, would lead to interpersonal friction, and often to long arguments over alternatives, either one of which would probably be acceptable. We actually had such a "veto" system in operation here in connection with

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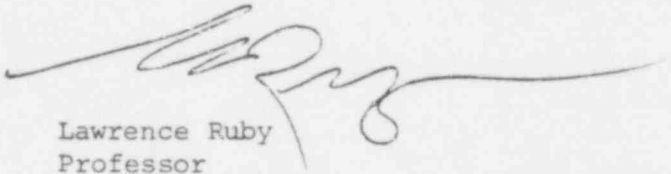
approval of new experiments, and after experiencing the problems cited above, we reverted to a system wherein approval authority was invested only in the operating personnel. I believe that the proposed rule would be better reworded as follows:

"A licensee may not override the decisions of the certified Radiation Protection Specialist in Charge, except by providing to the latter, documented reasons for his (or her) action, such documentation to be provided before implementation of the decision, if practical."

The requirement of having to put the reasons in writing, would have a sobering effect on operating personnel, and will, I believe, accomplish the objectives of the proposed rulemaking. I have employed the words "in Charge" in consideration of the fact that some of the operating personnel may themselves be certified Radiation Protection Specialists at low levels.

The views expressed in this letter are strictly my own, and I am presenting only myself in this matter.

Sincerely,



Lawrence Ruby  
Professor

LR/smt

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