

POWER AUTHORITY OF THE STATE OF NEW YORK

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April 30, 1979

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

Att: Docketing and Service Branch

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Subject: Petition for Rulemaking - Victor E. Anderson
Docket No. PRM-20-13 (44FR 11284)

Dear Sir:

The subject petition proposes amendments to 10 CFR 20.600 which would grant health physics personnel certified by the Commission virtually unrestricted authority to act in matters of radiation safety at a nuclear power plant.

The Power Authority of the State of New York ("Authority") is opposed to the proposed amendments for four reasons:

First, the Commission currently has the authority to evaluate licensee staffing. Through commitments made in a plant's operating license and Commission audits, the capability of licensee's staff is fixed and the subject of continuous examination.

The petitioner understates the adequacy of existing standards and regulatory guides. The American National Standards Institute ("ANSI") has issued two separate standards on selection and training of nuclear power plant personnel (ANSI N18.1-1971, ANSI/ANS-3.1-1978). These two standards establish experience and training requirements for radiation safety personnel at nuclear reactor facilities. These standards have been prepared with the participation of representatives of many professional organizations and regulatory agencies. Among the participants in the preparation of these standards are the American Chemical Society, American Public Health Association, Federal Power Commission, Health Physics Society, U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency. Most operating reactors in this country are committed to comply with either one or the other of these two standards for selection and training of nuclear power plant personnel.

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In addition, the NRC has issued Regulatory Guide 1.8 on personnel selection and training. This guide goes into extensive detail in describing the qualifications necessary for the radiation protection manager at a nuclear power plant. A proposed draft revision to this guide alludes to certification by the American Board of Health Physics as a possible qualification for the radiation protection manager at a site. When licensees commit to the above standards and guides they assure that their radiation safety personnel will meet standards and qualifications agreed to by a broad spectrum of research, professional and regulatory organizations. Commitment to compliance with these standards and guides by a licensee assures that personnel will meet all the qualifications and standards suggested by the petitioner in the proposed rulemaking. However, in contrast to the petition, commitment to the above standards and regulations by a licensee continues to place on the licensee the ultimate responsibility for the radiation safety of its plant. An amendment such as that proposed in the petition would effectively remove the responsibility for the radiation safety of a plant from the licensee and place it upon an individual who has been certified but not necessarily employed by the Commission. This aspect of the proposed amendment would substantially reduce the protection provided to workers and to the public.

Second, the proposed amendment will allow a certified person who can be a subcontractor or a private individual with limited financial resources and insurance coverage to make decisions affecting the life and safety of radiation workers and the public. This individual would not be subject to the authority of any person unless he is taking action clearly in violation of federal law and/or resulting in a clear and present danger of loss of life. If the actions of such a certified individual, contrary to the wishes of a licensee, result in injury or death to an individual or the public, the opportunity to recover damages could be limited to the financial resources of this individual.

Petitioner's suggestion that the health physicist's decision cannot be overridden unless it is "a clear violation of federal regulations or will result in a clear and present danger of loss of life" is unworkable. The impracticality of the amendment is illustrated by the following questions. Where does a "clear" violation of a federal regulation begin? Can decisions that will result in environmental damage but not loss of life be overridden? Can decisions not involving safety but which will result in serious adverse social or economic effects be overridden?

Third, the amendment would allow the health physicist to override the concerns of other personnel concerned with safe operation thereby reducing plant safety. In this regard the petition points out that radiation protection is one of three important job functions performed in a nuclear power plant. In fact health physics is only one of the many job functions, including I&C engineers, mechanical engineers, maintenance

personnel, security personnel, fire protection personnel and supervisory personnel, that are vital to the safe operation of a nuclear power plant.

Currently activities and decisions concerning the daily operation of nuclear facilities are entrusted to highly qualified management personnel who are familiar with all aspects of safe plant operation and who are supported by specialists in all the areas vital to plant safety. While petitioner's proposal could jeopardize plant safety by foreclosing consideration of vital safety questions in other areas, nowhere does the petition evidence consideration of this fact. From petitioner's narrow view the overall safe operation of the plant is overlooked.

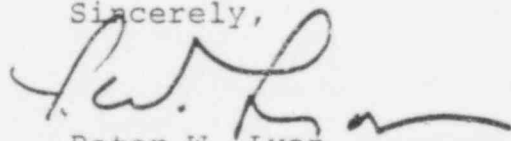
Furthermore, the amendment would not allow the decisions of one certified individual to be reversed by another certified individual. These circumstances would result in large numbers of certified radiation protection personnel subject to no authority making conflicting decisions on matters of radiation protection and creating chaos.

Fourth, the petition provides no basis for the relief requested other than suggesting that the primary reason it be added "is to prevent management from placing pressure on Health Physics personnel to engage in bad practice..."

The Authority, like other power plant licensees, is constantly evaluating and training its personnel to insure that the operation of its facilities are carried on in the safest possible manner. To base a petition on groundless suspicions that power plant management encourages bad practices is totally worthless.

In conclusion, the proposed rulemaking petition should be denied because (1) present standards already require that radiation protection personnel at nuclear reactors be highly qualified, (2) the proposed regulations will reduce or eliminate the responsibility of the licensee for the radiation safety of its facility, (3) the overall safe operation of the plant will be reduced and (4) the petitioner has demonstrated no basis for the proposed amendments as required by 10 CFR 2.802.

Sincerely,



Peter W. Lyon
Manager - Nuclear Operations

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