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**UNION OF  
CONCERNED  
SCIENTISTS**

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US NRC

Chief, Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT: COMMENTS ON ALLEGATIONS PROGRAM UNDER THE NEW  
REGULATORY OVERSIGHT PROGRAM**

Good Day:

In response to the notice published in the *Federal Register* on February 9, 2000 (Vol. 65, No. 27), the Union of Concerned Scientists submits the following comments on the allegations program as discussed in SECY-99-273 dated November 23, 1999.

The SECY paper states:

In discussing options, this paper focuses on the performance goals of increasing the efficiency, effectiveness, and realism of key NRC processes and enhancing public confidence. The goals of maintaining safety and reducing unnecessary regulatory burden are not addressed in as much depth because all of the options maintain the current level of safety and any regulatory burden associated with an option would be classified as a necessary burden if the Commission chooses that option.

UCS disagrees with this staff conclusion. Option 3 and Options 2 and 4 to a lesser extent are more likely to reduce safety levels at nuclear power plants than they are to maintain or improve upon existing safety levels. The SECY paper reports:

In FY 1998, the staff received 1577 reactor related issues. ... In FY 1999, the staff received 1171 reactor related issues.

For the existing fleet of 103 operating plants, this data reflects a two-year average number of 13.3 allegations received each year by the NRC per reactor. That equates to about one (1) allegation per month per reactor. According to Figure 7 in "Status of Allegation Program Fiscal Year 1999 Annual Report," at least half of the allegations come from plant workers (either employees or contractors). The percentage might be higher because about 15 percent of the allegations are anonymous and some are forwarded by private citizens or special interest groups to protect the identity of the workers. Therefore, at least six allegations are received on average by the NRC annually from workers at each nuclear plant operating in the United States.

Figure 4 in the FY 1999 Allegations Annual Report shows that an average of more than 206 allegations have been substantiated each year during the past five years, or 2 substantiated allegations per reactor. While this report does not provide substantiation rate by allegation source, it seems reasonable to assume that the substantiation rate for plant worker's allegations is higher than the rate for non-plant sources.

Thus, it is important for the NRC staff to take allegations from plant workers seriously.

Even in the very unlikely event that none of the allegations ever submitted by plant workers was substantiated, the NRC staff must still take them seriously. The revised reactor oversight process is based upon the foundation that the plant owners are providing safety conscious work environments and are administering effective problem identification and resolution programs. Recent history is filled with examples of plants where one or both of these assumed foundation elements was totally lacking, leading to serious erosion of required safety levels. A plant worker making an allegation to the NRC implies that one or both of these foundation elements is suspect. The worker may not feel free to voice the concern to plant management, implicitly raising doubts about the safety conscious work environment. The worker may have already raised the concern to plant management and been dissatisfied by its resolution. Or the worker may have lost confidence in the plant's problem resolution program altogether and not even have tried it.

If and only if allegations only involved technical issues, then Options 2, 3 and 4 would all be appropriate options.


But as stated above, allegations inherently question the adequacy of the safety conscious work environment and/or the problem identification and resolution program. Options 3 and 4 are particularly heinous. It would be laughable for the NRC to take GREEN allegations submitted by plant workers who are afraid to voice concerns to plant management or who believe that the plant's corrective action program is broken and turn them over to plant management for entry into the corrective action program. At least it would be laughable if the lives of people living around the plant were not at stake.

All allegations received by the NRC have two distinct parts. The first part is the safety issue itself. The second part is the reason why the allegor submitted the concern to the NRC instead of, or perhaps in addition to, plant management. Options 2, 3, and 4 in the SECY paper totally ignore this second part. Both parts are equally important. As UCS's late Chairman, Henry Kendall, said, "you cannot have only one half of a boat sink." Thus, it is imperative that the NRC staff consider both parts of every allegation it receives.

The best way for the NRC staff to properly consider both parts of every allegation it receives is to maintain the existing allegation program, Option 1. Safety conscious work environments and effective corrective action programs are vital underpinnings of the revised reactor oversight process. Each allegation questions the adequacy of those underpinnings. The NRC staff cannot simply ignore these warnings, as would occur if Option 2, 3 or 4 is adopted. The NRC downplayed and discounted safety culture issues at the Millstone nuclear plant in Connecticut until the problems grew to epidemic proportions. Options 2, 3, and 4 steer the agency back down that path. The last trip down that path did not maintain safety, did not improve public confidence, did not allow efficient and effective use of agency resources, and did not remove unnecessary regulatory burden. The agency must cancel the return trip down that path.

UCS strongly recommends that Option 1 in SECY-99-273 be adopted.

Sincerely,

  
David A. Lochbaum