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US NRC65FR 6399
Feb. 9, 2000

(18)

Critical Mass Energy Project

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April 26, 2000

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

Dear Sirs:

Please consider these comments on the NRC's proposal to risk-base the allegation program that appeared in the *Federal Register* on February 9, 2000 (Vol. 65, No. 27). The Critical Mass Energy Project opposes any attempt by the NRC to apply risk to the allegations program.

What NRC's proposal fails to grasp is that any allegation is risk significant. Given the history of NRC's inability to protect whistleblowers identities, a nuclear worker raising a safety concern only goes to NRC as a last resort, knowing full well that the NRC investigation of the issue will likely result in identifying him or her to utility management.

If a nuclear worker is at the point where they feel they need to come to the NRC to get a safety problem addressed, it indicates that the safety conscious worker does not believe that they can get the issue addressed through their own management. Even if the issue that is the basis of the allegation is not highly risk significant, as viewed through NRC's risk-based prism, the fact that the worker had to come to NRC to resolve it is.

One need only look to the Millstone debacle to see this. While the NRC may not have found the full-core off-load at Millstone was highly risk significant, the subsequent investigations that the allegation generated revealed that safety had been significantly compromised not only at Millstone station but also at the other reactor operated by North east Utilities. Violations at Haddam Neck could have caused a failure of the system needed to keep the reactor core cool in the event of an accident. Eventually NU recognized that both Haddam Neck and Millstone 1 were so far out of compliance with NRC safety regulations that the it could not economically justify the investment needed to bring these reactors back on line.

The NRC's SECY-99-273 lays out four options for consideration:

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Add-Ed. Baker (ETB)

- Option 1 - Maintain the Existing Allegation Program
- Option 2 - Timeliness of Resolution Based on Risk Significance
- Option 3 - Risk-Informed Allegation Program
- Option 4 - Risk-Informed Allegation Program With Alleger Input

Public Citizen's Critical Mass Energy Project believes that Options 2, 3 and 4 must be rejected. The application of the significance determination process is at best, regulatory voodoo. The workbooks that NRC has supplied licensees to work through the SDP acknowledge that the SPD is not repeatable.

Critical Mass would like to suggest a fifth option, why doesn't NRC improve the allegation program and protect the identity of safety conscious workers rather than attempting to reduce the regulatory/financial burden on the corporations that own and operate nuclear reactors.

NRC's Secy paper acknowledges that:

if the findings identify Severity Level IV or minor violations, the findings will be provided to the licensee for entry in the corrective action process and no other action will be taken by the staff.

With approximately one fifth of all allegations already being turned back over to the utility management, Public citizen believes that any further reduction in the "regulatory burden" through the imposition of options 2, 3, or 4 will only result in reducing safety at nuclear reactors across the U.S.

Furthermore, NRC's current policy of handing over allegations to utility management actually has a chilling effect upon safety conscious workers. Nuclear workers may be unwilling to bring an allegation to the NRC knowing that there's a one in five chance that it will be turned back over to the utility management. The reason safety conscious workers come to NRC is because they feel that they can not go to management. Turning allegations over to the very individuals that the allegers were trying to avoid in the first place undermines the possibility of a safety conscious work environment.

Sincerely,

(Original Signed By)

James Riccio
Senior Analyst
Critical Mass Energy Project

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