

Accident Review Document April 4, 1979

STRUCTURE

OPTIONS

1. Solely internal to NRC:

- (a) Follow manual chapter. This was Brown's Ferry organization.
Note the chairman is to be the EDO's Technical Advisor, a vacant position.
- (b) NRR and I&E reviews, pulled together by some third group (OPE, PMA, ad hoc group).
- (c) A new structure, headed by Minogue or a Commissioner.

All of these approaches have advantage of retaining complete control over the review, probably making it more efficient. They all have three weaknesses:

- (1) Are too low on effort for seriousness of event (although (c) might not).
- (2) Would lack public acceptance.
- (3) May miss some hard questions which outside involvement could raise.

2. Mixed with both NRC and outside:

Two Options:

- (a) A licensing board structure - with the panel composed of senior NRC officials and outside officials. For example, panel could be chaired by Rosenthal, with Minogue, an ACRS member, , and perhaps a Commissioner from NRC and several others from outside (perhaps from Presidential Commission).

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- (b) An administrative board. This would be similar to the NASA accident approach. (In each of the two Apollo investigations, a seven member board used an informal inquiry approach.) This could have someone from the outside as chairman - for example, like George Low (although he is not available except as a last resort). The remainder of the board could consist of a mixture of NRC and outside people.

Approach Options

1. Strictly on the record hearings. Subpoena powers. Witnesses would be advised to have counsel. Testimony would be sworn, on the record. Cross-examination would be allowed. Hearings would be open to the public.

Possible problems:

- Tendency of technical members to ask leading questions.
- Reluctance of witnesses to volunteer information (the chilling effect of a court proceeding).
- Slowness of review if only search for evidence is possible in hearing process.
- Inability of non-technical panel to get at difficult, technical issues.

Advantages:

- High public acceptance, because of formality and openness of procedures.
- Establish defensible record if later wish to take action on basis of findings.

- Provides legal protection to witnesses.
- Cross-examination process may get at information which otherwise would not rise to surface.

2. Administrative board. Witnesses would be interviewed, perhaps by attorneys, with notes on tapes made. Summary of witnesses statements would be checked by witness for accuracy before submission. Board might split into subpanels to focus on separate issues.