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January 3, 1980

Director
Office of Management and
Program Analysis
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Sir:

In response to Chairman Hendrie's letter of October 10, 1979, and General Counsel Bickwit's letter of December 12, 1979, I have reviewed NUREG 0567 and the December 12th Supplement. I find the concepts and procedures generally consistent with the views expressed in ONRR's Office Letters issued in November of 1976 while I served as Director, ONRR. My objectives at that time were to assure that all ONRR staff members recognized their obligation and opportunity to express views on the record different from those taken as the final consensus views of the Office. NUREG 0567 is consistent with that objective as stated in the first sentence of the second opening paragraph "...not only right but duty..." It is regrettable that such formal policies and rules are required to assure that this objective is met. But, experience shows that they are.

I find Objective 6 of 0567 to be contrary to what I believe are the interests of individual staff members and the public. Objective 6 provides for anonymous professional opinions. This step suggests either that the staff member is unwilling to be identified or to be held accountable for the view or that NUREG 0567 will not be effective in preventing some retaliation. If the first suggestion is true, I submit that the opinion does not warrant consideration. No responsible scientific or engineering opinion should be immune to testing or inquiry by management or technical experts nor should its originator be exempt from examination. If the view is important, the originator should be prepared to defend it. The procedure, as stated, almost encourages frivolous or irresponsible opinions and automatically requires expenditure of significant time and effort to evaluate their significance. My experience tells me that any staff member who cares enough to express a differing view will be willing to defend it. I doubt that a differing view can be adequately evaluated in absence of the knowledge of its originator. Most such matters will involve judgments that are not amenable to quantitative resolutions. Therefore, it is absolutely essential that the originator be identified.

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The Agency is charged with making decisions that include pertinent staff input. The inclusion of anonymous opinions opens the door for relief from personal responsibility and accountability. I trongly suggest that this provision be deleted.

If the second suggestion is true - namely that 0567 will be ineffective in presenting retaliation - a major revision to 0567 is needed. I believe that 0567 and its associated structure will be effective in preventing retaliation. Therefore, anonymity is unwarranted and Objective 6 and its implementing provisions should be deleted.

The supplement concerning the Commissioners suggests that ordinary guides for responsible behaviour do not apply. I see little damage in the Commissioners Supplement. But it creates the impression that nobody can be trusted and that men of good will must be constrained by labored rules to assure that equity and fairness prevail. It is indeed a sad state of affairs if such a statement is needed.

I hope these comments are useful. I appreciate the opportunity to comment on what I believe is good procedure for a regrettable situation.

Sincerely yours,

SOUTH CAROLINA ENERGY RESEARCH INSTITUTE

Ben C. Rusche
Executive Director

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