

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

November 28, 1978

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Honorable Joseph Hendrie
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Hendrie:

This is in regard to Dr. Harold Lewis' suggestions for the creation of a nuclear accident review board. You responded on August 7, 1978 to our initial inquiry and since then Dr. Lewis has had a chance to review both your reply and that of the Advisory Committee on Reactor Safeguards. Dr. Lewis made some comments on your reactions, a copy of which is enclosed.

I believe the merits of a review group in the nuclear field similar to the National Transportation Safety Board (NTSB) are likely to be more substantial than your letter implies. In particular, I do not think adequate consideration has been given to the benefits that might result from analysis of "abnormal occurrences" -- or small accidents and events which could be precursors to more serious accidents, by whatever definition -- by a review group independent of the NRC regulatory staff.

I would like to recommend to the Commission that it institute a trial review of this nature to determine whether information might be obtained which could lead to increased reactor safety. A subgroup of the Advisory Committee on Reactor Safeguards, or some other group under separate contract with the Commission, could review licensee event reports submitted between January 1, 1976 and December 31, 1978 for incidents whose analysis might enhance reactor safety. Incidents could be selected using the "abnormal occurrence" criteria, or some other criteria which may be more suitable. These incidents could be reviewed by the independent group to determine whether they have implications for improved reactor safety.

778 - To EDO to prepare reply for signature of Chairman. Cys to CHm, Cmsr., PE, GC, CA. OCA to Acknowledge. Due Date to Comm. December 12

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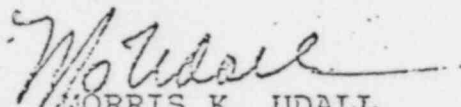
Honorable Joseph Hendrie

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Dr. Lewis has noted, and it seems reasonable to me, that in analyses of relatively minor incidents it is not the investigation of facts, but the determination of cause and the opportunity to make recommendations for improvements, that is central to the role of the independent reviewer. It seems, then, that with respect to fact-finding, the technical assistance of NRC staff, or use of data previously collected by them, would not damage the independence or productivity of the review group.

Thank you for your attention.

Sincerely,


MORRIS K. UDALL
Chairman

Enclosure



DEPARTMENT OF PHYSICS
SANTA BARBARA, CALIFORNIA 93106

October 4, 1978

The Honorable Morris K. Udall, Chairman
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Udall,

I now have copies of the replies of the Nuclear Regulatory Commission and the Advisory Committee on Reactor Safeguards to your letter of January 27, 1978, about my suggestion for an "NTSB" for reactor safety. May I make a few comments on these replies?

In the first place, both NRC and ACRS are concerned that any new agency would intrude upon their turf, NRC because it already investigates abnormal occurrences as part of its regulatory job and ACRS because it is statutorily independent, and has the power to do so in the appropriate circumstances. NRC does, however, recognize the enhancement of credibility that might flow from the activities of an independent agency, and would consider establishing an independent review group for a major accident. (In fact, Browns Ferry was well studied by an internal review group, and was also the subject of extensive hearings by the Joint Committee on Atomic Energy.) Both replies reflect a concern about having outsiders poking around in their business, and NRC specifically raises the question of whether there are any knowledgeable outsiders. There is more than a small hint of parochialism here.

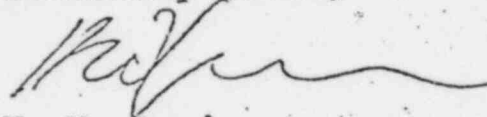
A much more important question raised is that of whether such a new board would have anything to do, since there have never been any major nuclear accidents leading to injury to the public. This, it seems to me, reflects a misunderstanding of the point of the proposal, which was directed toward the enhancement of reactor safety through the analysis of the precursors to major accidents. NRC reports a total of nineteen "abnormal occurrences" in FY 1977, culled from a total of many hundreds of licensee event reports, and asserts that each of these is appropriately investigated by NRC itself. I cannot quarrel with the selection

of those nineteen, chosen as "significant from the standpoint of public health or safety", nor can I validate the selection. In fact, the whole point of the proposal revolves around the meaning of the word "significant" in the statement above. There are certainly plenty of scare stories around.

My overall reaction is that, leaving aside questions of turf, I would still like to have someone look at the last couple of years of licensee event reports with a view toward selecting incidents which may not have threatened the public health and safety, but whose analysis might enhance the public health and safety. I suspect that different criteria might produce a richer harvest than is projected by NRC and ACRS, but remain open-minded until it is tried.

I hope that this is helpful to you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'H. W. Lewis', written in dark ink.

H. W. Lewis

HWL/etm

August 7, 1978



CHAIRMAN

The Honorable Morris K. Udall, Chairman
 Subcommittee on Energy and the Environment
 Committee on Interior and Insular Affairs
 United States House of Representatives
 Washington, DC 20515

Dear Mr. Chairman:

I write in response to your letter of January 27, 1978, regarding a proposal made by Dr. Harold Lewis for the creation of a nuclear accident review board. You have requested the views of the Commission on this proposal, and asked that we address certain specific concerns which you outlined in the form of seven questions. Our response will be structured in this way.

Dr. Lewis premises his arguments on an analogy between the nuclear industry and the air transport industry. As Dr. Lewis points out, numerous parallels can be drawn between these two high technology industries, and their regulation by the NRC and the FAA have much in common. From this basis Dr. Lewis suggests that nuclear regulation should have some analogue to the National Transportation Safety Board (NTSB), which investigates and analyzes aircraft accidents (as well as transportation accidents of other types). One cannot argue with his conclusion that the NTSB/FAA system has, over the years, made air travel "acceptably safe".

We have several comments on this suggestion. First, and perhaps most important from a legislative point of view, a major purpose of the Energy Reorganization Act of 1975 was to strengthen nuclear regulation. The Act sought to accomplish this purpose by placing full responsibility for nuclear safety with the Nuclear Regulatory Commission, whose overriding function is to ensure the protection of public health and safety in all areas of nuclear power and radioactive materials.

Since major nuclear accidents (or even minor ones), whether measured in human or dollar loss terms, do not occur with the frequency of transportation accidents, a nuclear analogue to NTSB as suggested by Dr. Lewis would -- if it were to be active -- have to involve itself more in day-by-day regulation rather than limit itself solely to investigation and analysis of serious accidents. Even assuming that a nuclear accident board could be made to operate with total independence from the NRC (a

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