UNC
Division of United Nuclear Corporation 87 Sandy Desert Road Telephone 203 [illegible]
A UNC RESOURCES Company Uncasville, Connecticut 06382

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May 12, 1980

Secretary Of The Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: Proposed Rule 10 CFR 19.14
45 FR 19564-5
Informal Conferences During
Inspection

Gentlemen:

The proposed informal conferences appear to preempt normal management/labor relationships in private enterprises. The U. S. Nuclear Regulatory Commission is not established to become involved in mediation/arbitration matters.

While concern over plant safety and employee health may initiate the need for such joint efforts, history points to the railroads and their depletion and demise, in major part related to manpower needed for "safety" well after the steam engine disappeared.

The Connecticut Yankee Nuclear Power Plant gives a recent example. In preparation for the current refueling operation, the plant was cleaned to such an extent that respiratory protection and showers were no longer necessary to control exposure of contractor personnel to radioactive materials. Yet the groups involved proceeded to strike the operation for several days, wanting the shower cleanup and respiratory fit-up time.

Much of the health and safety involvement is obviously associated with low level radiation effects controversy, and ALARA concepts.

Acknowledged by card. 5/20/80. mdu..

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The recent newspaper article from the New Haven Register is indicative of the current situation, particularly the last two paragraphs.

Mayo report casts doubt on radiation link to cancer

By VICTOR COHN
Washington Post Service

WASHINGTON — A new Mayo Clinic study casts doubt on past medical reports that repeated low-level medical radiation causes leukemia in adults.

The Mayo report, published Thursday in the New England Journal of Medicine, covers only medical radiation. And it does not deal with the X-raying of pregnant women, which a substantial body of evidence has linked to leukemia in the offspring.

But the Mayo data, said one author, Dr. Joel Gray, shows that low levels of radiation from any source — X-rays, nuclear reactors, nuclear accidents like Three Mile Island or any other — "have little if any effect on adult health."

The Mayo study is significant because of the unusually detailed information the researchers, Gray, Athena Linos, Alan Orvis, Robert Kyle, W. Michael O'Fallon and Leonard Kurland, had on their subjects.

The Mayo Clinic cares for virtually the entire 90,000 population of Rochester, Minn., and surrounding Olmsted County ... [illegible] keeps a full history for everyone treated anywhere in the country.

The researchers compared the radiation histories of 138 men [illegible] who [illegible] leukemia between 194[illegible] and 197[illegible] [illegible] members of the same age and [illegible] no overall difference.

After dropping a few persons in both groups because they had received massive radiation for cancer the Mayo group concluded that even repeated low-level radiation "most probably" caused no leukemia in the population they studied.

Even if this conclusion is wrong, the Mayo group adds, the effect would "almost surely" be less than double the average person's risk of developing leukemia, currently 9.5 chances in 100,000 a year.

"How much less, we can't say, because our study population wasn't large enough," said another author.

Indeed, the Mayo study by no means eliminates the possibility that low-level radiation still causes some cancers.

A National Academy of Sciences study group said a year ago that the chance of developing any cancer after low-level radiation is low, but there is more chance of thyroid, lung, digestive system or breast cancer than there is of leukemia.

This study is now being rewritten, however, because of the protests of many committee members that it exaggerated the possible dangers. The rewrite, due shortly, is expected to be much less precise and say only that, given the lack of precise facts, opinions on the seriousness of low-level radiation differ.

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In terms of productive use of USNRC personnel, it would appear from the Interagency Task Force on the Health Effects of Ionizing Radiation (June, 1979), Table I given below, that if the population receives 18,000,000 person-rems per year in the healing arts and 56,000 person-rems per year from nuclear energy, that much more significant reduction in exposures could be achieved in the healing arts field.

TABLE 1

U.S. General Population Collective Dose Estimates - 1978

Source */	Person-rems per year (in thousands)
Natural Background	20,000
Technologically Enhanced	1,000
Healing Arts	18,000
Nuclear Weapons	
Fallout	1,000-1,600
Weapons development, testing and production	0.165
Nuclear Energy	56
Consumer Products	5

U.S. Occupational Exposures Estimates - 1975

Source	Person-rems per year (in thousands)
Healing Arts	40 - 80
Manufacturing and Industrial	50
Nuclear Energy	50
Research	12
Naval Reactors	8
Nuclear Weapons Development and Production	0.8
Other Government	50

*/ See the report for a description of the specific sources that contribute to each category.

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We believe that companies in the nuclear energy field are fully cognizant of the need for controlling worker exposure to radiation and are responsive to the health and safety of their employees. In the course of NRC inspections, there are matters in which the NRC may not be correct in their interpretation. We feel that inspection items are best resolved through company/Commission contacts, rather than aggravate and polarize management-employee relationships.

We bring to your attention a Bureau of National Affairs (May 8, 1980) OSHA evaluation of NRC's health and safety program:

Federal Agencies

NRC PROGRAM LACKS HIGH-LEVEL SUPPORT, PROFESSIONAL EXPERTISE, OSHA REPORTS

The Nuclear Regulatory Commission's safety and health program for its own employees does not meet the requirements of the Occupational Safety and Health Act, according to an evaluation by the Occupational Safety and Health Administration.

OSHA said that deficiencies exist in all aspects of the NRC program, including failure of the commission to appoint qualified safety and health managers and failure to train its employees in safety and health.

Top-level support for safety and health was "not evident" at NRC during the evaluation, OSHA reported. The official selected by the commission as its safety management officer lacked experience, training, and education as a safety and health professional, and his placement within the commission's office of administration "has made it improbable, if not impossible" for him to function effectively, the evaluation stated.

The NRC program is not supported by funding "specifically identified for its operation," OSHA asserted. Nor does the commission have a firm policy protecting from reprisal employees who report unsafe or unhealthy conditions, the report said.

NRC executives indicated that they would wait for the results of the evaluation before beginning to "properly organize and staff" its safety and health program. OSHA commented, adding that employee safety and health thus "appears to be a very low priority consideration" for the commission.

Placement of the safety management office within the buildings and operations branch of the NRC administrative office "creates an inherent conflict," OSHA charged. The correction of unsafe conditions is left to the same manager responsible for the maintenance functions of the branch, it said.

Lack of Training

Operating managers and supervisors have not received sufficient training in their safety and health responsibilities, the report asserted. As a result, these supervisors are unfamiliar with methods for conducting inspections and correcting hazardous conditions, and have "little, if any, incentive" to comply with standards, OSHA said.

Although the commission maintains a log of occupational injuries and illnesses, it does not attempt to determine causal factors associated with the accidents, OSHA said. Also, the commission has been unsuccessful in its attempts to record the results of its employees' radiation exposures using film badges, it added.

OSHA noted that some commission employees are monitored by NRC licensees, while others use a Department of Energy film badge program. A draft regulation to monitor NRC worker exposures has existed since 1975, but no final regulation was ever issued, OSHA said.

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We further believe that NRC inspectors are not trained in handling labor relations items, however expert they may be in technical matters. The informal conferences requested by the noted labor unions cannot help but be labor relations type meetings.

As noted in the supplementary information comments of the proposed rule, licensees are expected to take prompt corrective actions that are mutually agreed upon as appropriate without waiting for an enforcement letter. We believe that this method is working effectively since such items are reinspected at a succeeding inspection and "closed out" by the NRC inspector. In rare cases where the corrective action is incorrect or less than committed to, the NRC has available necessary means to achieve prompt correction.

The relationships of our company management and its employees are excellent. We are able to achieve outstanding safety/health performance and cooperation from our workers because we give support to our safety and health programs.

The NRC Commissioners recently stated, "In general, we believe that a strong enforcement policy dictates that the licensee be held accountable for all violations committed by its employees in the conduct of licensed activity. In sum, we continue to believe that, given the highly technical and potentially dangerous nature of nuclear energy and its applications, when one becomes a licensee of this commission, he must accept and be held to an extraordinary responsibility for safety."

Under the above environment, the licensee should be able to control the manner in which NRC inspection results are reviewed at its site.

Thank you for this opportunity to comment on a proposed rule.

Very truly yours,

W. F. Kirk

W. F. Kirk, Manager
Nuclear & Industrial Safety

jr