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THE PENNSYLVANIA STATE UNIVERSITY

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Vice President for
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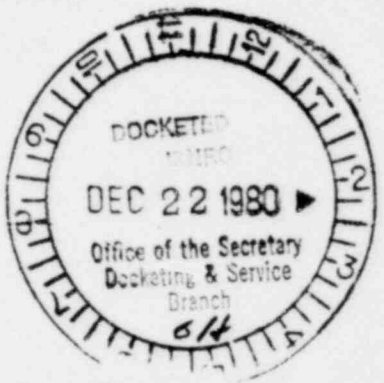
Area Code 814
865-6332

DOCKET NUMBER
PROPOSED RULE PR 2
45FR66754

17 December 1980



Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Dear Sir:

The Pennsylvania State University hereby requests that university-owned research and training reactors be exempted from the proposed "Policy and Procedure for Enforcement Action," which provides for financial penalties.

Applying such a policy to university research and training reactors is unnecessary, inappropriate, and discriminatory to the point of being unfair. The appropriateness of this policy as it pertains to commercial reactors is beyond the scope of this letter and will not be addressed here.

We consider the proposed policy unfair because it discriminates against the least fiscally affluent facilities in the nuclear field. University research and training reactors are not operated for income, rather they operate for research and educational reasons. They are, in fact, operated on budgets provided by the tax payers, patrons, and students. Power reactors do have an income incentive, hence, they have greater assets to deal with the proposed financial penalties.

Application of the proposed policy to university-owned research and training reactors is unnecessary and inappropriate as evidenced by the excellent operating history of such reactors. University research and training reactors have the longest operating history of any group of civilian reactors in the United States. With this long operating history, they can also boast of a near perfect safety record. Operating history of university research reactors indicates that the management of such reactors is safety conscious and has a deep-seated desire to operate these machines in a manner consistent with public safety. Operators and senior operators of university reactors are highly skilled, well educated, professionals who are in an environment of constant training, education, and re-training. History affirms that the management and operators of university research reactors take prompt and appropriate action to correct situations which could lead to safety deficiencies. Financial penalties are, therefore, not necessary to provide incentive to correct these deficiencies. Clearly the potential risk to the public from a reactor depends on many factors.

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The hazard associated with these factors is dependent upon the power level of the reactor. Fission product inventory at a university research reactor is many orders of magnitude less than that at a power reactor. The hazard associated with the release of these fission products is proportionally reduced. Heat removal during operation is many orders of magnitude smaller than those of a power reactor. Decay heat considerations are minimal. Health physics considerations are, in general, of a much smaller magnitude and are, therefore, much more easily controlled.

Hence, the need for penalties such as are proposed are simply not necessary. We also consider the proposed new policy counter-productive in that it mandates monetary fines for deficiencies even though they are promptly discovered, promptly corrected, and properly reported. Such a policy provides incentive to cover-up deficiencies when we should be striving to provide incentive to eliminate deficiencies.

In summary, we believe that the operating history and the consequences of a major incident at a university research and training reactor indicate that the proposed policy is unfair, unnecessary, inappropriate, and counter-productive. We, therefore, respectfully request that university-owned research and training reactors be exempted from the proposed "Policy and Procedures for Enforcement Actions."

Sincerely yours,

R. G. Cunningham
Vice President for Research
and Graduate Studies

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