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2ND DISTRICT, NEW JERSEY

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November 14, 1980

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Mr. Carlton C. Kammerer
Nuclear REgulatory Commission
1717 H Street, NW
Room 1159
Washington, DC 20555

DOCKET NUMBER
PROPOSED RULE PR 2
45 FR 66754

Dear Mr. Kammerer:

I was recently contacted by a
constituent who has expressed some concern
about a proposed NRC policy relating to
identification and correction of safety
violations at nuclear power facilities.

I would very much appreciate having
the benefit of your thoughts and observations
on my constituent's concerns, so that I may
be in a better position to reply.

Thank you for your attention to this
matter.

Sincerely,

William J. Hughes
Member of Congress

WJH/mm
Encl.

1980 NOV 25 PM 3 07

1 Seville Drive
Bridgeton, NJ 08302
October 16, 1980

Honorable William J. Hughes
c/o J. Spear
2920 Atlantic Avenue
Atlantic City, NJ 08401

Dear Sir:

The Federal Register, Volume 45, No. 196, dated October 7, 1980, contains a proposed enforcement policy for the Nuclear Regulatory Commission beginning on page 66754. This policy is intended to become Appendix C of 10CFR2.

There is one aspect of this proposed policy which may provide some near term glory for the NRC but will result in a long term degredation of construction and operation practices. This aspect will be the NRC's intent to cite and fine licensees (utilities) for identification and correction of their own errors!

Specifically, on page 66755, the goal to "encourage and support licensee initiative for self-identification and correction of problems" is established. The fact that this goal is already a requirement of Appendix B of 10CFR50 has been omitted. This section further states the licensee will not be formally charged with violations only if it was properly identified, corrective action taken and it is a minor problem. Additionally, on page 66756 an "incentive" for licensees to identify problems is established with a possible 50% reduction in civil penalty.

Construction and operation of a Nuclear plant are extremely complex activities which are dependent on the performance of hundreds of individuals and thousands of pieces of equipment. In order to minimize the errors and catch those which are made, extensive Quality Assurance and Quality Control programs have been developed and implemented. Since it is in the licensee's interest to build and operate the plant properly, most of these programs exceed the minimum requirements of 10CFR50, Appendix B. A nuclear construction project will have a minimum of 50-100 Quality Control and 10-20 Quality Assurance people constantly inspecting, surveilling and auditing all work activities which are "safety related". This
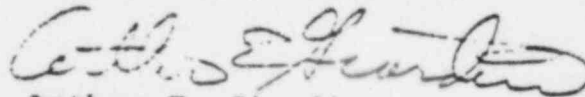
compares with one Resident NRC Inspector plus periodic inspections by NRC Regional Inspectors.

When these rules take effect, the NRC will review utility records for previously identified (and corrected) problems and issue formal notices of violation for each case. The resultant publicity will put a big feather in the NRC's cap for "getting tough" on deceitful utilities. However, penalizing the utilities for doing a good job of self checking will become a major disincentive to both management and individuals. Consider the plight of a company inspector or auditor that discovers a violation. If he reports the problem, his employer is cited, fined and embarrassed. Will good inspectors be kept on the payroll? Under the "old" system they paid for themselves!

I urge you to take swift action to correct this problem. Strong sanctions should be applied to any licensee who fails to police himself, but to penalize those who effectively police themselves is ridiculous!

Should you wish to discuss the issue in detail, please feel free to call.

Very truly yours,

Arthur E. Giardino