

DOCKET NUMBER

PROPOSED RULE

PR-2

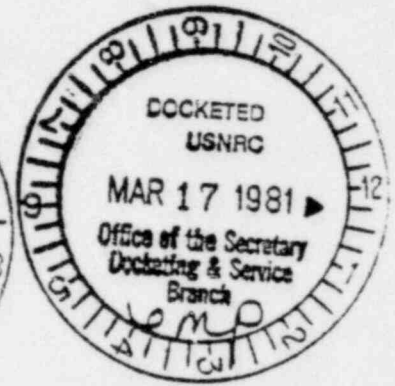
(45 FR 66754)

159 TO SECY FOR DOCKETING

Robert R. Walston
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March 2, 1981

Dudley Thompson, Executive Officer
for Operations Support
Office of Inspection and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Thompson:

Due to reasons beyond my control, I was unable to send prepared comments in time to meet your schedule of December 31, 1980. However, I feel that by sending them anyway it may in some way help you to decide the proper content of your proposal. I refer to 10 CFR Part 2, "Proposed General Statement of Policy and Procedure for Enforcement Actions" as discussed in the Federal Register/Vol. 45, No. 196, Page 6675A.

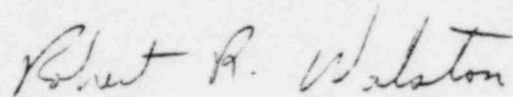
Since the accident at Three Mile Island, Unit II, the NRC is perceived by the news media (and hence the general public) as being directly responsible for the safe operation of nuclear power plants. The NRC has done an admirable job, I believe, in fostering a safe direction for operating plants and in assuring that the licensee has adequate safety related programs. The impression that comes through in the proposed rule making seems to add additional strength to the idea that NRC will be directly responsible for the safe operation of the plant as opposed to the licensee. The conflict that arises, of course, is that the licensee is authorized to operate the plant and hardware and be directly responsible for safe operation, while the NRC plays the role of inspector, observer, enforcer, etc. NRC does not have the staff to be directly responsible for the plant safety, unless it used NRC employees to operate the plant. This, of course, would be in conflict with other parts of its charter.

This conflict, which appears to exist in concept and possibly in reality, could be reduced if parts of the above proposed rule making were modified in the Section of "Introduction and Purpose", Section I. Clearly, the licensee is responsible for safe operation and compliance with regulations. Clearly, NRC is responsible for policy making, enforcement, etc.

The current wording suggests that NRC is going to "insure compliance with . . ." "to obtain prompt corrections . . ." - "to deter future noncompliance . . ." etc. The wording should be changed in some fashion so that the "licensee" is clearly directly responsible for those items. No one should be lured into thinking that the NRC will be directly responsible for those items. The licensee clearly has the funds and the power to do those things and not the NRC. The NRC clearly has the funds and the power to turn him off if he does not.

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If the intent of this proposed rule making is not more firmly stated, you could indeed have some or all of operational safety responsibility absorbed by NRC in Washington. Operational safety responsibility would have migrated from the licensed plant operating staff to the unlicensed and remote policy makers in Washington.

A handwritten signature in cursive script that reads "Robert R. Walston".

Robert R. Walston
Interested Reviewer