



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 18, 1990

CHAIRMAN

The Honorable John B. Breaux, Chairman
Subcommittee on Nuclear Regulation
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am responding to your letter of October 24, 1989, concerning the adoption of a policy to permit funds levied by the Commission as civil penalties to be redirected to support training and other educational activities relating to radiological health and safety conducted by non-profit educational institutions. As you know, the Commission has previously indicated that, although not objecting to the concept of direct Federal support for such programs, it does not favor the use of civil penalty payments for this purpose. As we noted in our August 11, 1989 letter to Senator Glenn commenting on a proposed amendment to the Atomic Energy Act to accomplish the same end, we believe that if it is the intent of Congress to support such educational programs, then funds specifically for this purpose should be appropriated.

The Commission continues to have reservations about the proposal. Even if we ensured that the distribution of funds was made outside of the licensee's State or service area, permitting civil penalties to be diverted to educational purposes, especially if the recipient is chosen by the licensee, appears inconsistent with the purpose of assessing a civil penalty. We are also concerned about the cost of administering the program since most licensees would no doubt be interested in making these donations to offset the negative publicity of penalties. Rules and policies, as well as the personnel devoted to developing and implementing them, would be needed to decide questions such as which educational purposes and institutions should be eligible for donations, how potential competition among donees should be resolved, and how conflicts of interest in the granting and use of funds would be avoided. Additionally, audits will have to be conducted to ensure that donated funds are properly granted and used.

Although the Commission is not prepared to institute such a proposal at this time, we are seeking the views of the Comptroller General on the scope of NRC's existing authority in this area. Should the Comptroller General identify means by which the NRC could use its civil penalty authority to benefit research at non-profit educational institutions, the Commission will consider the matter further.

Sincerely,

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cc: Senator Alan K. Simpson

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