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Before the
NUCLEAR REGULATORY COMMISSION
SECRETARY OF THE COMMISSION
Washington, D.C. 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

emp

ATTN: Docketing and Servicing Branch

In Re: Licensed Operator
Staffing At Nuclear Power Units;
Proposed Rule

10 CFR Part 50

Comments of the
WASHINGTON LEGAL FOUNDATION

September 27, 1982

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I. INTRODUCTION

The Washington Legal Foundation (WLF or Foundation) submits these comments on the proposed Rule of the Nuclear Regulatory Commission, set forth in the August 30, 1982 Federal Register, 47 Fed. Reg. 38,135 (1982) (to be codified at 10 C.F.R. Part 50) governing the minimum number of licensed personnel required to be in the control room of an operating nuclear plant. The proposed rules, while innocuous on their face, bear the tell-tale signs of political, rather than public safety motivation.

II. INTERESTS OF THE WASHINGTON LEGAL FOUNDATION

The Washington Legal Foundation is a non-profit, public interest law firm organized and existing under the laws of the District of Columbia for the purpose of engaging in litigation and administrative affairs in matters affecting the broad public interest. The Foundation was founded in 1977 and has more than 80,000 members and 120,000 supporters throughout the United States whose interests the Foundation represents.

WLF has filed numerous comments in the past on regulatory actions proposed by Federal agencies including the Consumer Product Safety Commission, Environmental Protection Agency, Federal Communications Commission, Federal Reserve Board, Nuclear Regulatory Commission, and the Department of Energy, among others. WLF has also litigated extensively in Federal courts in opposition to unlawful regulations and in support of the rights of individuals and businesses.

III. COMMENTS OF THE WASHINGTON LEGAL FOUNDATION

The present Rule being proposed by the Nuclear Regulatory Commission would amend NRC regulations "to require licensees of nuclear power units to provide a minimum number of licensed personnel on shift at all times and to ensure the presence of a person with a senior operator license at all times in the control room from which a nuclear unit is operating," 47 Fed. Reg. 38,135 (1982). The ostensible reason given for the amendment is that several studies conducted in the aftermath of the Three Mile Island (TMI) accident have "concluded that, among other things, current [nuclear power plant] shift staffing requirements should be upgraded," 47 Fed. Reg. 38,136 (1982).

WLF strongly supports all initiatives which have as their purpose the protection of the public from unnecessary and hazardous risks. However notably absent from the "Supplementary Information" provided by the NRC in its Federal Register notice is any suggestion of even the smallest causal link between the old staffing requirements at nuclear power plants and the occurrence at TMI. The inference running throughout the Commission's proposed action is that the proposed Rule changes are in some way directly traceable to lessons learned following TMI. But where is the hard evidence that the accident at Three Mile Island was caused, or even aggravated, by a lack of adequate licensed personnel in the control room?

It would appear as though the NRC is taking a scatter-shot approach to reform without specifically pinpointing problem areas. While there can be no doubt that the safe operation of nuclear power plant facilities require strict standards, it is equally clear that government regulation in this area, as in any other, must balance benefits against costs. The upgraded staffing requirements contained in the new Rule - as well as the fact that under the Rule all licensees of nuclear power plants will be expected to meet their stiffer staffing requirements by January 1, 1983 - a mere three months from now - will undoubtedly contribute yet another layer of cost to the already exorbitant costs of building and operating a nuclear facility -- costs which are inevitably passed on to the consumer. If the motivation for the proposed Rule is merely to placate certain vocal constituencies, it is misplaced. If, on the other hand, the proposed Rule represents a good faith effort to help ensure the safety of the public, the NRC has yet to provide evidence that such would be the Rule's impact.

IV. CONCLUSION

The Washington Legal Foundation urges the Nuclear Regulatory Commission to extend its comment period for six months. During that time, the NRC should introduce additional evidence detailing both the safety relationship between the accident at TMI and the proposed Rule and the projected cost/benefit impact of these changes on nuclear power facilities.

Respectfully submitted,

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