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USNRC

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J. Lieberman
59FR49215

9/27/94

(1)

In the matter of 10CFR Part 2 Reexamination of the NRC Enforcement Policy; Proposed Rule: Request for Public Comment.

To David Myers, Chief, Rules Review and Directives Branch, Div. FOI, NRC, Washington, D. C. 20555.

Chief Myers and Commissioners;

This rulemaking should really be called examination of the NRC's non-enforcement policy. The NRC enforces its rules very harshly against the small businessperson and leaves the misadventures of the large licensee go unpunished. The NRC endangers and discourages 'whistleblowers' who would tell the NRC of misdeeds and dangers perpetuated by certain licensees.

1. The NRC enforces its rules very harshly against the small businessperson.

Ruth Miner and Manny Mendelsohn have attended enforcement hearings in King of Prussia Region headquarters. From their reports, I have ascertained a pattern of unnecessary harshness against small businesspeople who have made honest paperwork mistakes which did not endanger employees or the general public.

2. The NRC leaves the misadventures of the large licensee go unpunished.

"The NRC staff did not propose a fine for this alleged violation because it involved a problem that originated more than seven years ago." NUREG/BR 0032 V14 No 33 Item No. 94-129 NRC Staff proposes to Northeast Nuclear Energy Company \$87,500 for alleged violations of NRC requirements at Millstone Unit 2.

This quote seems to be saying that if you hide a violation long enough, you will not get fined for endangering the employees and public for those many years. I sent a request for an explanation of this statement and have received no reply. I must consider my interpretation correct for large companies: hide a violation long enough and you will not get fined.

3. The NRC endangers and discourages 'whistleblowers' who would tell the NRC of misdeeds and dangers perpetrated by certain licensees.

The Christian Science Monitor of 7-29-94 has an excellent article, NRC Discourages Whistle Blowing at Nuke Plants. This article specifies names, circumstances and verification by the NRC Inspector General of endangerment and misdeeds.

Finally, all these non-enforcement policies fall into insignificance beside the NRC own admission that the NRC is the licensee advocate instead of its regulator in SECY 92-043, EXERCISE OF DISCRETION NOT TO ENFORCE COMPLIANCE WITH LICENSE CONDITIONS. I have heard many jokes about regulators being in bed with the regulated, but this is not a joke.

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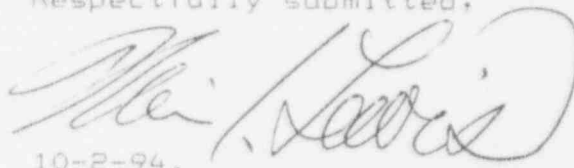
2.

Senator Joseph Lieberman has requested the text of SECY 92-043 with limited results. He has also suggested that "Notices of Enforcement Discretion" require public comment. I hope that the NRC decides to answer the Senator instead of ignoring him as I have been ignored with my letter regarding my interpretation of the NRC policy not to fine violations which have endangered the public for a long time.

How about enforcing your rules against large, powerful licensees, and don't give the identity of informants to the violators.

I wish that I could say,

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Lewis".

10-2-94.