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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001


OFFICE
ADJUTANT

Gentlemen: RE: Whistleblower protection proposed rule published October 27, 1999,
in the Federal Register

I support the proposed rule. Current NRC regulations protecting nuclear workers from harassment and intimidation by management for reporting problems are inadequate to protect the public interest as they are applied. In 1999, after determining that management at the Perry and Zion, Seabrook and Millstone nuclear power plants harassed and intimidated workers for raising safety concerns, the NRC imposed fines of \$110,000 on the former two and \$80,000 on the latter two. Since each day of a nuclear power plant shutdown costs the utility company between \$249,000 and \$330,000 in lost revenue, it is obviously very much in the financial interest of the company to prevent a shutdown due to safety complaints by workers. Paying the NRC fine for harassing workers into shutting up about safety problems is a cheap way of continuing business. Further, most utility managers receive part of their compensation in the form of bonuses dependent on the financial performance of the portion of the utility they are responsible for. Therefore management can be seen as getting "paid" by the NRC for shutting up workers through harassment if, by doing so, they can avoid the high cost of shutdown relative to the fine they incur, thereby enhancing their performance-contingent compensation. Finally, the NRC has maintained it cannot impose sanctions against these managers it determines have broken existing employee protection regulations unless it can prove these individuals knew their actions were illegal. Thus, NRC embraces "ignorance of the law" as a valid defense, while "ignorance of the law" is not a viable defense in any other federal legal proceeding.

With deregulation of the electric utility industry, utility management has strong financial incentives to avoid costs if a legal means of doing so is available. The "ignorance of the law" excuse must be eliminated, which is provided for in the proposed rule. If managers can be held personally accountable for harassment and intimidation of whistleblowing nuclear power workers, it is much more likely to restrain such behavior than the occasional NRC fine against companies which is much cheaper to the company than downtime for safety repair.

Sincerely yours,



Richard Lance Christie

PDR PRM 30-62

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