

Dr. Shirely Ann Jackson
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Donald W. Del Core, Sr.
4 Driscoll Drive
Uncarville, CT. 06382-1808

August 24, 1996

Dear Dr. Jackson:

I am in receipt of a letter dated August 9th, 1996 from Mr. James Lieberman, your Director, Office of Enforcement. The letter was sent to The National Nuclear Safety Network, of which, I am a founding member. Mr. Lieberman indicates the NRC does not have the resources to investigate all allegations of wrongdoing associated with 10 CFR 30.7, 50.7, and 70.7. He also addressed the use of a priority system with regard to dealing with discrimination cases. He also pointed out that investigations of allegations of discrimination are complex, difficult and frequently time-consuming. Additionally he also pointed out that only the Department of Labor has the authority to order relief in discrimination cases. Please allow me to address each of these issues, at least how they relate to NRC enforcement action at the Millstone Nuclear Power Station, and other Northeast Utilities facilities.

The NRC has at its disposal many staff personnel in various geographical areas that at any given time could be used to support interviews and/or investigations into all allegations, not only those related to discrimination. While they may not be trained investigators, they certainly are able to determine right from wrong. Most have the available engineering background and disciplines to deal with nuclear issues usually involved in discrimination cases. An example is the use of review teams such as Mr. John Hannon's used recently to look into how whistleblower cases were handled by Millstone management and the NRC. It is normal for the NRC to utilize its people to assist in other duties in a time of need. The NRC uses outside contractors to augment its work force when necessary, this is clearly a situation consistent with their use. An example of their use at Millstone was the NRC using contractor help in dealing with the overwhelming volume of technical allegations being filed by allegers a few years ago. The federal government has in the past used various agency personnel to solve temporary shortages of people. Look at the NTSB's use of Naval personnel in the recent TWA disaster. For Mr. Lieberman to say the NRC does not have the resources is ridiculous, and borders on incompetence. We are all also aware that the licensee is required to pay for costs incurred with its operation to the NRC, another good reason why resources are not an issue.

Anytime an issue of discrimination arises out of an allegation by a nuclear worker towards his supervision, management, or co-workers it is a serious safety issue. The nuclear industry is a very serious business. It is inherently dangerous, and potentially deadly if misused. The NRC has publicly stated its inability to look at all situations and has indicated it relies upon the licensees and its employees to report deficiencies. If the licensee is not fostering an open atmosphere towards concerns, the NRC must step right in and correct the problem immediately. Assignment of priorities is not the solution. The reason we have so many problems today at Millstone is because of a lack of enforcement action, and attention to these complaints by your staff. Every complaint must be aggressively and immediately looked into to prevent a repeat of this unacceptable situation. An example, in 1988, the DOL found discrimination to be involved in the cases of three workers at Millstone Unit #2, OI reviewed the cases and agreed with the findings. Eight separate violations occurred, three by the same unit superintendent, one by a nuclear vice president, and the rest by department managers and first line supervisors. NO VIOLATIONS OF 10 CFR 50.7 WERE MADE BY THIS SAME DIRECTOR OF THE OFFICE OF ENFORCEMENT, MR. JAMES LIEBERMAN. I will agree that these investigations are complex and time-consuming, but the report was

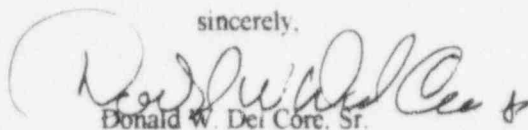
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not was not released until March 17, 1994, and it was done through the Region 1 Public Relations Department as a special media release!!!! Talk about meeting the requirements of Part IV of Handbook 8.8 entitled " Management of Allegations ".

While I will be the first to agree that the DOL has the authority to order relief, I believe that the NRC also has that same power. When a pattern appears such as the one that appeared at Millstone in 1987, 1988, and 1989 with regard to allegations of discrimination and retaliation, the NRC should have ordered a shutdown of all the units at Millstone. By keeping the plants shutdown pending a resolution of discrimination complaints, the complaints would have been solved by the licensee, accountability by the licensee with regard to it's management would have been assured, the parties would have been made whole, and safety would have been preserved. If the NRC took the bull by the horn, it could have borrowed all the investigators it wanted from the DOL, because there would be no need for them.

A good number of reviews have pointed out the shortcomings of your agency with regard to it's enforcement policies, and it's responsiveness to protection of employees. The OIG has reported many serious shortcomings about your agency's' handling whistleblower complaints. The House and Senate Oversight Sub-Committees have voiced similar concern over the years, all to no avail. I recognize that is in the past , and you have indicated that it is not your responsibility. The current actions of your managers however, are your responsibility, and so far we in the NNSN see very little change. Mr. Lieberman's position hasn't changed, and unless you make him change, I see the same problems surfacing someplace else. We're depending on you Dr. Jackson, please don't let us down.

sincerely,



Donald W. Del Core, Sr.