



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

MAR 26 1985

MEMORANDUM FOR: C. J. Heltemes, Jr., Director
Office for Analysis and Evaluation
Operational Data

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

SUBJECT: STUDY OF THE NEED FOR AN INDEPENDENT AGENCY TO
INVESTIGATE INCIDENTS AT NUCLEAR POWER PLANTS

This memorandum is in response to your February 15, 1985 request for comments on the Brookhaven National Laboratory Report on an Independent Safety Organization. We find that this report presents an improved description of NRR activities relating to the follow-up of unanticipated events at reactors, and that our comments on an earlier draft report have been adequately included.

With respect to the need for an independent organization to investigate incidents, the report concludes that, "... the potential for a conflict of interest. . . and the potential for concentrating on regulatory compliance rather than determination of cause. . . is sufficient, in our judgment, to justify a greater independence of the investigating body from the licensing, regulatory, and enforcement arms of NRC." We believe that the current system in which NRR, IE, the Regional Offices and AEOD participate in coordinated investigations of unanticipated events, has been effective in identifying safety concerns without being unduly burdensome to licensees. However, we do not disagree with the report conclusion that increased independence could minimize the perception of possible conflict of interest.

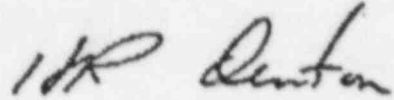
The decision on the degree of independence needed in such investigations is fundamentally a decision to be made by the Commission and/or the Congress. NRR would be prepared to work with any new investigative group such as an "Office of Nuclear Safety" as we now work with AFOD. Our principal concern is that any new organization or new procedures not dilute NRR's abilities to make timely and informed safety decisions on plant restart and on short term generic actions needed at other plants. Therefore, NRR would need to be kept fully informed on a continuing basis of the findings of any investigations carried out by an independent office.

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C. J. Heltemes, Jr.

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If you need any additional information on this subject, please contact Gary Holahan, ext. 27415 of my staff.

A handwritten signature in dark ink, appearing to read "HR Denton". The letters are cursive and somewhat stylized.

Harold R. Denton; Director
Office of Nuclear Reactor Regulation