



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

MAR 20 1985

Memorandum for: C. J. Heltemes, Jr., Director, AEOD  
From: R. B. Minogue, Director, RES  
Subject: STUDY OF THE NEED FOR AN INDEPENDENT SAFETY ORGANIZATION  
TO INVESTIGATE INCIDENTS AT NUCLEAR POWER PLANTS

As requested in your memorandum of February 15, 1985, we have reviewed the BNL report on the subject topic.

The principal argument advanced by BNL in favor of a new independent organization appears to be that such an agency could perform better, more efficient reviews than are currently carried out by the NRC. The report does not comment at length or completely ignores obvious management problems that arise in consideration of such an agency within NRC. We are substantially in agreement with the comments on this aspect in Mr. Keppler's memo to you of March 4, 1985, on the same subject. That is, the projected gains are likely to be more imagined than real, and we see no reason to believe there would be any compensating reduction in FTEs.

The report also does not treat adequately the problems that would arise if a completely independent agency were to be formed. The most obvious management problem that would arise if a wholly independent agency were formed by Congress is the definition of scope of work. Unless a very dramatic event such as the Browns Ferry fire or the TMI 2 accident has occurred, the problem of defining the category appropriate to an incident is often beset with technical ambiguity. But the accidents at Browns Ferry and TMI 2 are predicted to be much too rare to be the sole focus of an independent agency. Hence, there would occur a problem in defining the scope of an independent agency that would probably hinder effective regulation by inserting another ambiguous qualification on the work of licensing and inspection.

The BNL report cites (Exec. Summary, p. xviii) the need for these improvements in current practices in the investigation of operational events:

"a) A more structured and coordinated approach to the investigation of significant events to minimize the number of overlapping investigations and to focus on fact finding and determination of cause as the primary goal.

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"b) Procedures to 'freeze' plant conditions and personnel as soon as possible after a significant event to preserve the evidence for fact finding.

"c) Separation of fact finding from determination of regulatory compliance to minimize the adversarial relationship between NRC and utility personnel and to minimize a potential conflict of interest on the part of the NRC staff due to its prior licensing, regulatory or enforcement actions or omissions.

"d) Requiring investigators to have greater operating experience and training in conducting investigations.

"e) More accurate and timely descriptions of operational events and identification of significant events.

"f) Improved feedback in a more timely manner of the results of the investigations, including determination of cause, to the utilities and the public and more timely consideration of the recommendations."

The report then notes (p.xx) that these improvements could be accomplished by the present organization, although the judgment of the BNL task force is "that they could be more easily and rationally implemented by a new organization separated entirely from the regulatory and compliance arms of the NRC...". This judgement is made possible by ignoring the management problems that have been discussed earlier in this memo. We do not concur, therefore, with BNL's judgement. It is our view that the potential management problems can be avoided by not creating still another organization. Instead, we believe that the improvements a-f suggested by BNL can be made within AEOD, and that such changes would make sense.

With respect to creating an Office (called ONS by BNL) that reports directly to the Commission, we do not expect that such a move would yield any significant increase in public confidence. Most of the public is unaware of the structure of the NRC and would simply characterize the proposed ONS as "the NRC." Instead, such a move would just cause greater delays because of the extra time needed for recommendations to travel through the organizational units.

The size of the Office (80 or more, as stated on p.175) seems excessive, for most of the events, and yet might not be enough for another TMI. Stationing ONS people at the region, yet reporting independently to HQ, is inappropriate. Taken as a whole, the duties of the Office proposed by BNL dilutes the existing assigned duties of the EDO offices and regions, and guarantees duplication and confusion.

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We recommend the EDO take a position against the report's main recommendation of a new, independent safety organization, but that the specific improvements enumerated in the report be incorporated into AEOD.

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