



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
631 PARK AVENUE  
KING OF PRUSSIA, PENNSYLVANIA 19406

March 22, 1985

MEMORANDUM FOR: Clemens J. Heltenes, Jr., Director, Office for Analysis  
and Evaluation of Operational Data

FROM: Thomas E. Murley, Regional Administrator, RI

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

Reference: Your memorandum on this subject, dated February 15, 1985

We have reviewed the BNL report titled, "An Independent Safety Organization, NUREG/CR 4152," generally support the six (6) task force suggestions for improvements in the NRC approach to investigation of nuclear events, and acknowledge the theoretical appeal of the recommended course of action. Despite these views, we do not concur with the recommendations.

The study was undertaken to determine the need for, and feasibility of, an independent safety organization to investigate and assess operational events. The BNL study determined that NRC event investigations are generally carried out in a professional and competent manner, and that no evidence of bias or conflict of interest was identified in the investigation reviewed. The BNL study also acknowledged that their suggestions for improvements could be accommodated by the present NRC organization. The evidence does not support the need for radical changes in current NRC practices or organizational structure. We view the six (6) suggested improvements appropriate enhancements of current NRC event investigation practices and recommend action be taken to incorporate these suggestions.

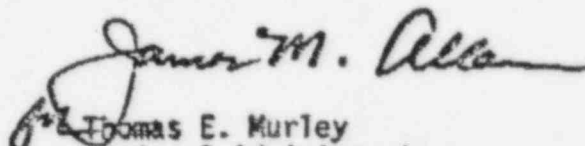
We are concerned that the BNL study has not adequately explored the negative consequences of implementation of their recommendations. In particular, we are concerned that the study does not discuss the impact of reassignment of thirty technical staff positions from existing regulatory activities to the "Office of Nuclear Safety (ONS)"; that ONS review of event reports may impede notification and activation of regional emergency response personnel; that prompt event reviews will be delayed by regional staff awaiting an ONS decision on who has the lead; and, that the morale and sense of responsibility of the regional staff will be adversely impacted by preemption of investigation activity by ONS. Finally, we believe the utilization of licensee employees as "designated representatives" for significant event identification will adversely effect the public perception of the quality of our programs.

8504080/394 XA  
SPP

Clemens J. Heltemes

2

Our specific comments on the BNL suggested improvements in NRC operational event investigation practices are attached. Should you have any questions concerning our comments, please contact us.

  
Thomas E. Murley  
Regional Administrator

Attachment: As stated

cc w/attachment:  
Regional Administrators, RII-V  
Office Directors, IE, WRR, NESS

COMMENTS ON NUREG/CR 4152 SUGGESTED IMPROVEMENT  
IN NRC OPERATIONAL EVENT INVESTIGATION PRACTICES

1. A structured and coordinated approach is warranted for initial event review, identification of significant events, conduct of event investigations, communications of event review findings and closure of event related recommendations. The approach selected should minimize resource expenditures and take advantage of the placement, organization, experience and competence of existing NRC resources. To these ends, we recommend:
  - the establishment of an NRC wide program for event review and investigation, that clearly defines responsibilities and authorities. (The program should endorse the use of multi-office investigation task forces specifically tailored to the needs of the investigation, establish requirements for investigation charters agreed to by Office Directors and the involved Regional Administrator, and promote the concept of one thorough investigation with one definitive report.)
  - the elimination of duplication of authorities and responsibilities for event review and investigation, currently assigned to regional offices, IE, NRR, NMSS and AEOD. (The administrative, technical and managerial resources thus released from overlapping and sometimes conflicting activities could be better utilized to provide additional oversight of licensed activities.)
  - the utilization of existing regional office staff for initial event review and identification of significant events, participation in event investigation task forces, review of investigation findings for enforcement considerations, and tracking of closure of licensee commitments for corrective action.
  - the utilization of existing NRR and NMSS staff for participation in event investigation task forces, and review of investigation findings for identification of necessary changes in licenses and the licensing programs.
  - the utilization of existing IE staff for participation in event investigation task forces, review of preliminary investigation findings for prompt dissemination of event descriptions, and review of final investigation findings for identification of necessary changes in the inspection and enforcement programs.

- the establishment of authority to preempt parallel investigations by the licensee, INPO, NSAC, EPRI or others, where those investigations might interfere with the conduct of an effective and thorough event investigation by NRC. (Consideration should be given to encouragement of limited participation in event investigation task forces, by representatives of preempted organizations, when those representatives are technically qualified and could enhance the effectiveness and credibility of the task force findings.)
2. The capture and prevention of loss of event related information is critical to sustaining the credibility of investigation findings. The importance of this issue is second only to the licensee's duty to protect the public, employees, environment and plant facilities. In the absence of a conflict with the licensee's primary duty to safety, the licensee should be required to promptly inform NRC of significant events, "freeze" plant conditions at a stable point until released by the NRC, secure event related records and obtain written statements of event involvement from plant staff members.
  3. The procedures for the conduct of event investigations and reporting must establish a perception of avoidance of conflict of interest or the introduction of bias. To these ends, we recommend:
    - that the procedures for establishing event investigation task force membership must eliminate nominees having current or prior direct responsibility for inspection, licensing, operation or construction of the activity involved in the event.
    - that separate documents be utilized to report the results of the investigation, recommend corrective actions, and propose enforcement actions.
    - that the report of the event investigation task force should be limited to documentation of significant facts, repeatable analysis and supportable conclusions. (The report itself should evidence an exercise in objectivity, require only the concurrence of task force members and the organization vested with the responsibility to manage that particular event investigation, and be disseminated to the public promptly without delay.)
    - that the report of recommendations for corrective action be processed in a similar manner to that proposed above, but that this report must be reviewed and concurred with by the EDO.

- that organizations responsible for activities addressed by the recommendations be required to respond to the EDO in writing with their plans within a specified short period.
  - that the proposed enforcement actions be developed by the responsible regional office with final concurrence in the enforcement action provided by IE.
4. We agree that event investigations would be enhanced by assuring the investigation task forces have members with related operating experience and specific training in the conduct of technical investigations. The NRC employs a large cadre of technically competent multi-disciplined inspectors and license reviewers, many of which have related operations experience and/or formal training as technical investigators. In short, we believe the NRC probably has the appropriate resources to conduct competent professional investigations. What NRC lacks is a register from which to select task force members. We support KORT and A/I training for all inspectors and license reviewers, particularly those who evidence the ability to think critically and to communicate clearly.