

From: PAUL M. BLANCH <PMBLANCH@ix.netcom.com>
To: JZ <JAZWOL@aol.com>
Date: 8/28/96 6:39am
Subject: NRC'S Career Days

JOHN:

From a friend. I'm not the only one who is concerned. WHEN ARE YOU GOING TO DO SOMETHING OR ANYTHING?

Paul:

Regarding Scully and the others that were fired in January of this year, the NRC simply has to drag its feet and do nothing for awhile in order to let the statute of limitations pass by and give them a legal excuse for taking no action. Given the NRC's strong interest in probabilities lately, the famed "snowball's chance in hell" factor comes to mind when thinking of the odds that the NRC might actually do its job.

It's not the NRC's fault -- it's TIME magazine's fault. After all, all three units at Millstone would be up and running if TIME hadn't determined that they were potentially unsafe. TIME magazine should investigate the firings in January to determine if H&I has involved. After all, them NRC boys and girls have Career Days at local schools to attend and other more important things to pursue than nuclear workers' rights to freely express safety concerns.

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From: PAUL M. BLANCH <PMBLANCH@ix.netcom.com>
To: DAVE LOCHBAUM <lochbaum@mindspring.com>
Date: 8/28/96 6:18am
Subject: CCC SCALP REPORT

John:

I wish I could say I was the author of this but I can't take the = credit for all of this work. There is a clear message here and that = is that something needs to be done with the NRC. NU is in this = situation now only because the NRC let them get away with their = actions.

Have fun.

Paul

John A. Zwolinski, Deputy Director Division of Reactor Projects -I/II
Office of Unclear Reactor Regulation
Washington, DC 20555-0001

SUBJECT: SYSTEMATIC CITIZENS ASSESSMENT OF LICENSOR PERFORMANCE

Dear Mr. Zwolinski

This letter forwards the Systematic Citizens Assessment of Licensor = Performance (SCALP) report for the United States Unclear Regulatory = Commission covering the period between January 1, 1996 and August 15, = 1996. The SCALP was conducted by the Concerned Citizens of = Connecticut (CCC) along the lines of the Unclear Regulatory = Commission's revised process that was implemented July 19, 1993. = This revised process assesses licensor p rformance in four = non-functional areas: Emerging Safety Issues, Regional Office = Performance, NRR Operations, and Whistle-blower Support (the latter = includes employee persecution, enforcement and chilling effect = monitoring).

NRC staffers generally responded inappropriately with lack of good = command and control to many Emerging Safety Issues during this = period. A notable exception was during the period, the staffers did = not effectively assure that licensee programs and administrative = controls were always sufficiently maintained to perform as designed = and licensed. Too often, the agency accommodated long-standing = equipment or system problems that resulted in unnecessary and = repeated challenges. Further, the general lack of a questioning = attitude by staffers resulted in generic implications and broader = conditions being unnoticed or not understood, and consequently, = ineffectively resolved. Weaknesses in decision making resulted in = some determinations that were not conservative or otherwise lacked a = solid technical basis. A specific example was provided by the = NRC=B9s Executive Director of Operations, Mr. James Taylor. When = questioned by Time Magazine about the risk of spent fuel pool = accidents Mr. Taylor stated: =B3[The] agency analyzes dose rates at = the time a plant opens--when its pool is empty. The law, he said, = =8Cdoes not contain a provision for rereview.=B9 =B2 This statement = demonstrates the contempt the NRC has for the general public and that = the

general public has no right to question the NRC. This functional area was rated its Category 3.

The Regional Office Performance was weak in the oversight of both its own and its licensees' programs and activities. Consequently, there were frequent problems involving procedure adherence, procedural adequacy, and control and oversight of work. Some improvements, such as better communications with the public, improved prioritization and scheduling of work, and improved material condition have been promised. Notwithstanding, weaknesses still prevail relative to the effectiveness of corrective actions and resolution of recurrent licensee problems, and management oversight of regulatory activities.

A vivid example was provided by the NRC-B9s Inspector General Case NO. 96-05S. This provided an example of how Region 1 attempted to suppress major safety issues and had it not been for the sacrifice of one NU Senior Engineer, this major safety issue would have remained buried in the bowels of the NRC. This functional area was rated as Category 3.

The performance of the NRR organization was inconsistent frequently merely mediocre but sometimes much worse. The quality of NRR activities was generally poor, but fortunately the NRR work production is very low such that limited damage was done. As with the Regional Office Performance there were frequent problems involving procedure adherence, procedural adequacy, and control and oversight of work. This may be somewhat understandable as the NRC has no procedures for evaluating safety issues. An example is the NRC-B9s own 10 CFR 2.206 process. While procedures do exist for the assignment of responsibility of 2.206 issues, there are no explicit procedures for the acceptance or rejection of a petition. We question why the NRC requires licensees to have detailed procedures, whereas the NRC, with oversight responsibility for more than 100 nuclear power plants, has no procedures and apparently no Quality Assurance program. It has been more than one year since the 2.206 petition was filed regarding the Millstone Unit 1 spent fuel pool and this remains an open issue.

One area of noted improvement was placing the Millstone plants on the B3 watch list. While this action was about five years too late, it is an indication of improving performance as in the past, the time from declining performance to placement on the watch list was about ten years.

Notwithstanding the capability and potential effectiveness, the priorities of the NRR organization did not always reflect the needs of the public. The NRR organization was not effectively engaged in the diagnosis, root cause assessment, and resolution of the chronic problems that impaired overall licensee performance and public safety. This functional area was rated as Category 3.

Performance in the Whistle-blower Support area continued to be anything but strong. Well intentioned activities to improve the protection afforded concerned individuals identifying nuclear safety problems were rendered totally ineffective by NRC staffers who passed along the names of these confidants to licensees in the middle of a special NRC inspection concerning NU-B9s treatment of whistleblowers.

A recent Inspector General=B9s Event Inquiry also confirmed the = ineffectiveness of the agency and reported that less than one-half of = the NRC=B9s Review team=B9s 47 recommendations had been implemented = as of March 5, 1996. This is a slight improvement as in the past, = none of these recommendations would have ever been implemented. The = staff's actions in this area have contributed to a chilling effect = where nuclear industry employees are fearful of voicing safety = concerns.

Further confirmation of the ineffectiveness of the NRC=B9s program = was it reported the status of the =B3chilling effect=B2 at Northeast = Utilities. In 1995 the NRC reported there were few symptoms of a = =B3chilling effect=B2 at NU whereas NU reported in 1996 a severe = =B3chilling effect.=B2 This functional area was rated as Category 3, = and rapidly declining.

Another area of concern was identified as part of this SCALP process = and that is with the NRC=B9s Quality Assurance program. The NRC = constantly assesses the safety of various emerging safety issues, = illegally grants permission to allow licensees to operate in = non-compliance with Regulations, and assesses proposed changes to the = facilities. The SCALP team attempted to reviewed the NRC=B9s Quality = Assurance manual, however a copy could not be located in either the = NRC files or the Public Document Room. This is an open item and will = be evaluated during the next SCALP assessment.

In summary, overall performance is alarmingly low and we are = particularly concerned with the challenges to public health and = safety caused by repetitive problems and personnel errors that had = the potential to, or actually did, adversely affect public safety. = Notwithstanding, we recognize that your organization has, within the = last year, initiated several comprehensive actions that have the = potential to improve overall agency performance. However, while we = acknowledge some recent incremental performance gains, these efforts = have not yet resulted in any discernible change in overall = performance.

In arriving at this assessment, we determined the following = contributing factors; (1) the tendency of your staff to accept and = accommodate licensee performance that was not in accordance with = regulations; (2) the tendency of your organization not to = aggressively question the validity of assumed causes of degraded = conditions or unexpected system performance, and dismiss or not = adequately consider other plausible contributors or factors without = substantial technical basis or rationale; (3) the general reticence = of your Regional offices and NRR organizations to solicit technical = support from concerned members of the public for the resolution of = licensee and generic issues; and the organization's apparent = reservation to engage in the diagnosis or resolution of safety = problems without public outcry; (4) the lack of value attributed to, = or expected from, nuclear safety review and quality assurance = activities, and the consequent ineffectiveness of these functions; =

(5) insufficient critical self-assessment initiatives to evaluate the = adequacy and performance of personnel, procedures, and hardware; and = (6) insufficient supervisory oversight and poor communication of = senior

management's expectations relative to the performance of oversight activities.

Due to the significance of these issues identified in this SCALP report there is a question as to whether the NRC conforms with its commitments to protect the general public. Therefore, the Concerned Citizens of Connecticut (CCC) requires additional information to be submitted pursuant to Section 182a of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f) in writing, under oath or affirmation, to determine whether or not the authority of the NRC should be suspended, modified, or revoked.

We appreciate your consideration of this feedback.

Sincerely,
Concerned Citizens of Connecticut

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