



OFFICE OF THE  
SECRETARY

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

January 24, 1986

MEMORANDUM FOR: E. Paul Cotter, Jr.  
Chief Administrative Judge, ASLBP

Victor Stello, Jr. (Acting)  
Executive Director for Operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: ESTABLISHMENT OF AN AD HOC REVIEW GROUP  
ON THE DAVIS-BESSE INCIDENT  
(SECY-85-365)

The Commission has approved the establishment of an independent Ad Hoc Review Group to review issues arising out of the June 9, 1985 incident at Davis-Besse, to identify additional lessons that might be learned from the incident and to recommend how NRC's internal procedures and its oversight of reactor licensees may be improved. A copy of the charter for the Group is attached.

The Commission has approved the following membership of the Group:

- a. Judge James Gleason, (NRC), Chairman
- b. Judge Peter Morris (NRC)
- c. Dennis K. Rathbun (NRC)
- d. Joseph H. Levine (NASA)
- e. H. Guice Tinsley (FAA)

All members have been contacted. Judge Gleason is prepared to initiate the Group's activity immediately.

The Commission has determined that responsibility for administrative support of the Group is assigned to the ASLBP staff. An administrative officer and lead secretary should be appointed from the Panel's staff.

(ASLBP) (SECY SUSPENSE: 1/23/86)

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PDR COMMS NRCC  
CORRESPONDENCE PDR

The Commission has also determined that additional support funds and personnel should be detailed from the EDO staff as required by the Group.

(EDO) (SECY SUSPENSE: as required)

Attachment:  
As Stated

Copies:  
Chairman Palladino  
Commissioner Roberts  
Commissioner Asselstine  
Commissioner Bernthal  
Commissioner Zech  
Judge Gleason  
OGC  
OPE  
OPA  
CCA  
ADM

## CHARTER

### AD HOC INDEPENDENT REVIEW GROUP ON THE DAVIS-BESSE INCIDENT

The Nuclear Regulatory Commission has decided to establish an independent ad hoc group (the review group) to review issues arising out of the June 9, 1985, incident at the Davis-Besse nuclear power plant. The purpose of this review group is to identify additional lessons that might be learned from the incident, and from these to make recommendations as to how NRC's internal procedures and its oversight of reactor licensees may be improved. The review group shall have the authority necessary to perform the tasks and accomplish the purposes of this charter. By this and other reviews and the implementation of the recommendations arising from them, the Commission intends to reduce the possibility of future similar occurrences.

To this end the review group will undertake the following studies:

- a. Examine the process of analysis, review, and interaction between the licensee and the NRC that took place preceding the event concerning the reliability of, and the need and schedule for modification of, the Davis-Besse auxiliary feedwater system and associated systems; and make recommendations as to how the regulatory process may be improved in light of the findings resulting from this examination.
- b. Examine pre-event probabilistic assessments of the reliability of the Davis-Besse plant safety systems, the NRC review of these assessments,

and the use to which these analyses were put in the regulatory decisionmaking process; and make recommendations as to how the use of this sort of reliability analysis in the regulatory process might be improved.

- c. Examine the licensee's management, operation and maintenance programs to the extent that they may have contributed to the equipment failures that caused or exacerbated the incident; examine the NRC's requirements for, and oversight of, such licensee programs; and make recommendations as to how the NRC may improve its regulatory processes and its oversight of reactor licensees in these areas.
- d. Examine the mandate, capabilities of members, operation, and results of the Davis-Besse incident investigation team, and the use to which its report was put by the regulatory staff; and make recommendations as to how the incident investigation process may be improved.

This review is not a vehicle for determining whether Davis-Besse can be operated in the future without undue risk to public health and safety. The Commission will make that decision through its normal regulatory procedures which are in no way dependent upon the work of this review group. Therefore, the timing of that decision is in no way related to the work of this review group. However, if the review group identifies information bearing on a significant safety deficiency at Davis-Besse or other licensed facilities, it should bring this to the attention of the EDO.

Similarly, this review should not assess responsibility for the incident on the part of individual licensee or NRC staff members. That assessment is the responsibility of our Offices of Inspection and Enforcement, Investigations, and Inspector and Auditor. However, the Commission expects that, if the review group receives any evidence relevant to the issues of culpable responsibility of individuals, such evidence will be provided promptly to the Commission.

The group will determine for itself what methods and procedures other than adjudicatory it will use to gather data. Insofar as the review group believes previous reviews and analyses to be adequate, they should not duplicate the existing work. The EDO is instructed to provide additional technical data regarding the incident as it becomes available. Given the potential complexity of task (b) above, the Commission will, if the group wishes, provide contractor support funds to assist the review group in its technical analysis of the various probabilistic analyses and the staff reviews thereof. The General Counsel and Secretary of the Commission will be available for consultation in procedural matters. Facilities and administrative and clerical support will be provided through the resources of the ASLB Panel, with additional support funds and personnel provided through detailing from the EDO staff. The review group shall determine the non-adjudicatory methods, procedures, and schedule it will follow to accomplish its responsibilities, and notify the Commission thereof within two weeks of the issuance of this charter. Within 90 days the review group is to report in writing its findings and recommendations, and to brief the Commission at a public meeting as soon thereafter as practicable.

QUESTION 8.      INSTITUTE OF NUCLEAR POWER OPERATIONS

(A) TO WHAT EXTENT IS THE COMMISSION DEPENDING ON THE SERVICES OF THE INSTITUTE OF NUCLEAR POWER OPERATIONS TO RESOLVE GENERIC SAFETY ISSUES? WHAT CRITERIA DOES THE COMMISSION EMPLOY IN DECIDING WHETHER TO RELY ON INPO RATHER THAN THE COMMISSION'S OFFICE OF INSPECTION AND ENFORCEMENT?

ANSWER.

THE COMMISSION DOES NOT DEPEND UPON INPO TO RESOLVE GENERIC SAFETY ISSUES. HOWEVER, IT IS COMMISSION POLICY THAT NRC'S REGULATORY ACTIVITIES RECOGNIZE AND ENCOURAGE INDUSTRY INITIATIVES TO IMPROVE NUCLEAR SAFETY.

IN EARLY 1984, INDUSTRY FORMED THE NUCLEAR UTILITY MANAGEMENT AND RESOURCES COMMITTEE (NUMARC), AN ORGANIZATION OF SENIOR UTILITY OFFICIALS WHOSE GOAL IS TO REVIEW MANAGEMENT AND OTHER ISSUES IN NUCLEAR PLANT OPERATIONS AND DEVELOP INDUSTRY WIDE RESOLUTIONS. SINCE THAT TIME, NUMARC HAS BECOME A MAJOR VEHICLE FOR ARTICULATING INDUSTRY SELF-IMPROVEMENT ACTIVITIES TO THE COMMISSION.

THE RESOURCES OF INPO ARE USED BY THE INDUSTRY IN FURTHER DEVELOPING NUMARC INITIATIVES AND IN EVALUATING THE PROGRESS OF INDIVIDUAL UTILITIES IN IMPLEMENTING INDUSTRY SOLUTIONS. WHERE NUMARC INITIATIVES ADDRESS GENERIC SAFETY ISSUES FOR WHICH THE COMMISSION IS CONSIDERING THE NEED FOR ADDITIONAL REGULATORY REQUIREMENTS, OUR PROGRAMS ARE STRUCTURED TO RECOGNIZE INDUSTRY'S INITIATIVE WHILE MAINTAINING PROVISION FOR NRC EVALUATION OF THE COMPLETENESS AND EFFECTIVENESS OF THE INDUSTRY PROGRAM. FOR EXAMPLE, THE COMMISSION RECENTLY DEFERRED NEW RULEMAKING ON THE TRAINING OF NUCLEAR POWER PLANT PERSONNEL IN RECOGNITION OF THE INDUSTRY INITIATIVE UNDERWAY TO UPGRADE TRAINING PROGRAMS. THE COMMISSION ENDORSED THE INPO MANAGED TRAINING ACCREDITATION PROGRAM IN THAT IT ENCOMPASSED THE ELEMENTS OF PERFORMANCE-BASED TRAINING WHICH HAD BEEN ENVISIONED IN THE NRC STAFFS' PLANS FOR RULEMAKING. IN TAKING THIS ACTION, THE COMMISSION EXPECTS INPO, TOGETHER WITH EACH NUCLEAR UTILITY, TO PLAY A MAJOR ROLE IN SUCCESSFULLY RESOLVING THIS ISSUE. HOWEVER, WHILE INPO HAS TAKEN THE INITIATIVE IN THIS AREA, PROGRAMS HAVE BEEN ESTABLISHED WITHIN THE OFFICE OF INSPECTION AND

ENFORCEMENT (IE) AND THE OFFICE OF NUCLEAR REACTOR REGULATION (NRR) TO GATHER INFORMATION ON THE STATUS OF THE INPO PROGRAM AND TO INDEPENDENTLY EVALUATE ITS EFFECTIVENESS THROUGH PERIODIC INSPECTIONS AND AUDITS.

IN SUMMARY, THE COMMISSION DOES NOT RELY UPON INDUSTRY (NUMARC/INPO) RATHER THAN ITS OWN STAFF TO RESOLVE SAFETY ISSUES. AS NOTED ABOVE, THE COMMISSION HAS IN INSTANCES SUCH AS THE INPO MANAGED ACCREDITATION PROGRAM RELIED UPON INDUSTRY'S PROGRAM FOR IMPLEMENTATION OF A RESOLUTION. HOWEVER, WE MONITOR AND AUDIT INDUSTRY ACTIVITIES AND ADJUST OUR REVIEW AND LIMITED INSPECTION RESOURCES WHEN WARRANTED. IN ADDITION, IN THOSE CASES WHERE INDUSTRY SELF-IMPROVEMENT INITIATIVES APPEAR TO ADEQUATELY ADDRESS NRC'S PERCEPTION OF AN IDENTIFIED GENERIC SAFETY ISSUE, THE COMMISSION GENERALLY DESIRES TO RECOGNIZE AND ENCOURAGE SUCH INITIATIVES BY REFRAINING FROM THE PROMULGATION OF ADDITIONAL FEDERAL REGULATIONS. THIS POLICY IS, OF COURSE, CONTINGENT UPON NRC'S ONGOING DETERMINATION THAT INDUSTRY IS, IN FACT, ADDRESSING AND SATISFACTORILY RESOLVING SAFETY ISSUES WITHOUT THE NEED FOR FURTHER REGULATIONS.

QUESTION 8.

(B) WHAT IS THE COMMISSION'S POSITION WITH RESPECT TO RECEIVING INPO REPORTS AND PLACING THEM IN THE PUBLIC DOCUMENT ROOM? WHAT IS THE RATIONALE FOR THIS POSITION?

ANSWER.

THE NRC AND INPO HAVE ENTERED INTO A MEMORANDUM OF AGREEMENT (MOA) IN ORDER TO HELP ENSURE THAT THE GOALS OF BOTH ORGANIZATIONS ARE ACHIEVED IN THE MOST EFFICIENT AND EFFECTIVE MANNER WITHOUT DIMINISHING OR INTERFERING WITH EITHER PARTIES' RESPONSIBILITIES OR AUTHORITIES. APPENDICES TO THE MOA ARE USED TO COORDINATE SELECTED NRC AND INPO ACTIVITIES. AS NEW AREAS OF MUTUAL INTEREST HAVE EMERGED, APPENDICES HAVE BEEN ADDED TO THE MOA. THUS, THE NRC'S POLICY ON THE RECEIPT, USE, AND PUBLIC RELEASE OF INPO DOCUMENTS AND PRODUCTS HAS DEVELOPED OVER THE COURSE OF SEVERAL YEARS. THE GENERAL POLICY REGARDING RECEIPT AND HANDLING OF INPO DOCUMENTS IS DESCRIBED BELOW.

INPO ASSIGNS ITS DOCUMENTS TO ONE OF THREE CLASSIFICATION CATEGORIES: GENERAL DISTRIBUTION, LIMITED DISTRIBUTION, OR RESTRICTED DISTRIBUTION. DOCUMENTS WITH A GENERAL DISTRIBUTION CLASSIFICATION ARE NONTECHNICAL AND ARE GENERALLY AVAILABLE TO

THE PUBLIC. FOR EXAMPLE, INPO DOCUMENTS PROVIDED AT INPO BRIEFINGS OF THE COMMISSION ARE GENERAL DISTRIBUTION DOCUMENTS AND ARE PLACED IN THE PUBLIC DOCUMENT ROOM (PDR).

MOST TYPES OF INPO-GENERATED TECHNICAL, GENERIC DOCUMENTS (NOT PERTAINING TO A SPECIFIC UTILITY) ARE CLASSIFIED BY INPO AS LIMITED DISTRIBUTION. THESE DOCUMENTS ARE DEVELOPED FOR AND PROVIDED TO INPO MEMBERS AND PARTICIPANTS PRIMARILY FOR THEIR INTERNAL USE. COPIES OF THESE DOCUMENTS ARE USUALLY PROVIDED TO THE NRC; HOWEVER, INPO CONSIDERS THESE DOCUMENTS AS CONTAINING PROPRIETARY INFORMATION. THE NRC ACCORDS THESE DOCUMENTS PROPRIETARY TREATMENT AND DOES NOT NORMALLY PLACE SUCH DOCUMENTS IN THE PDR.

TECHNICAL DOCUMENTS THAT CONTAIN PLANT-SPECIFIC INFORMATION ARE CLASSIFIED BY INPO AS RESTRICTED DISTRIBUTION. THESE DOCUMENTS ARE NOT NORMALLY PROVIDED TO THE NRC BY INPO; HOWEVER, INPO MAKES THESE REPORTS AVAILABLE TO THE NRC FOR REVIEW AND READING AT THEIR OFFICES IN ATLANTA, GEORGIA. IN ADDITION, PLANT-SPECIFIC INPO REPORTS ARE AVAILABLE FOR NRC REVIEW AT LICENSEES' FACILITIES.

UNDER THE INPO/NRC MEMORANDUM OF AGREEMENT, TECHNICAL INFORMATION IS EXCHANGED BETWEEN THE TWO ORGANIZATIONS. INPO TECHNICAL INFORMATION AND DOCUMENTS ARE PROVIDED TO THE NRC FOR THE AGENCY'S INTERNAL PURPOSES ONLY. THEREFORE, INPO-GENERATED DOCUMENTS WITH LIMITED OR RESTRICTED DISTRIBUTION WILL NOT NORMALLY BE PLACED IN THE PDR UNLESS SUCH INFORMATION IS USED AS THE BASIS FOR A SPECIFIC REGULATORY DECISION AND IT IS DETERMINED BY THE NRC THAT IT IS IN THE PUBLIC INTEREST TO RELEASE THE INFORMATION. THE NRC INTERPRETS THE PHRASE "SPECIFIC REGULATORY DECISION" TO INCLUDE BOTH DECISIONS WHICH RESULT IN SPECIFIC REGULATORY ACTION BEING TAKEN SUCH AS THE ISSUANCE OF CONSTRUCTION PERMITS, OPERATING LICENSES, AMENDMENTS, BULLETINS, ORDERS, OR INFORMATION NOTICES; AND DECISIONS WHERE A DOCUMENTED ANALYSIS CONCLUDES THAT NO ACTION IS NECESSARY (E.G., A GENERIC STUDY INDICATES THAT THERE IS NO SAFETY CONCERN REQUIRING REGULATORY ACTION). IN SUCH CASES, THE INFORMATION WILL BE RELEASED IF THE INFORMATION FORMS A BASIS FOR THE REGULATORY DECISION IN A DOCUMENTED NRC STUDY ADDRESSING THE SAFETY CONCERN AND THE APPROPRIATE OFFICE DIRECTOR DETERMINES THAT THE PUBLIC'S RIGHT TO KNOW THAT BASIS OUTWEIGHS THE NEED FOR PROTECTION OF THE INFORMATION.

UNLESS A COMPELLING SAFETY REASON DICTATES OTHERWISE, INPO IS NOTIFIED IN ADVANCE OF THE NRC DECISION TO MAKE THE INFORMATION PUBLIC, THUS ALLOWING INPO AN OPPORTUNITY TO EXERCISE THEIR LEGAL RIGHTS REGARDING SUCH DISCLOSURE.

WHEN DOCUMENTS PROVIDED TO THE NRC BECOME THE SUBJECT OF A FREEDOM OF INFORMATION ACT (FOIA) REQUEST, THEY ARE PROCESSED IN ACCORDANCE WITH 5 U.S.C. §552 AND PART 9 OF OUR REGULATIONS. THE DOCUMENTS OR PORTIONS OF DOCUMENTS THAT CAN BE RELEASED UNDER THE FOIA REQUEST ARE PLACED IN THE PDR.

THE AGENCY IS CURRENTLY INVOLVED IN LITIGATION CONCERNING PORTIONS OF CERTAIN INPO DOCUMENTS FOR WHICH A CLAIM OF PROPRIETARY DATA WAS MADE. SEE CRITICAL MASS ENERGY PROJECT v. NRC, Civ. Act. No. 84-1943 (D.D.C.). THE AGENCY'S POSITION IN COURT IS THAT THESE DOCUMENTS CONTAIN CONFIDENTIAL, COMMERCIAL INFORMATION, THE RELEASE OF WHICH WOULD IMPAIR THE GOVERNMENT'S ABILITY TO HAVE ACCESS TO SIMILAR MATERIAL IN THE FUTURE.

QUESTION 9.

TVA

COMMISSIONER ASSELSTINE HAS STATED THAT THE REGULATORY BREAKDOWN AT TVA IS "THE SINGLE GREATEST FAILURE OF THE NRC REGULATORY PROGRAM SINCE THE THREE MILE ISLAND ACCIDENT." WHAT IS EACH COMMISSIONER'S VIEW AS TO THE SEVERITY OF THE SITUATIONS, THE NEED FOR CHANGES IN NRC PRACTICES AND PROCEDURES TO ASSURE THAT SITUATIONS OF THIS TYPE DO NOT RECUR?

ANSWER

UNQUESTIONABLY, THE PERVASIVE AND SEVERE BREAKDOWN OF MANAGEMENT CONTROL AND OVERSIGHT AT TVA IS SERIOUS AND, GIVEN THE SIZE OF THE TVA NUCLEAR PROGRAM, IS UNPRECEDENTED IN ITS SCOPE AND ECONOMIC RAMIFICATIONS. HOWEVER, ONE CANNOT CONCLUDE THAT A LICENSEE'S FAILINGS, NO MATTER HOW SEVERE, MUST REPRESENT A REGULATORY BREAKDOWN.

THE COMMISSION IS NOW ENGAGED IN DETERMINING HOW MUCH OF TVA'S PRESENT PROBLEMS COULD HAVE BEEN AVERTED BY NRC ACTION. IN ORDER TO ANSWER THIS QUESTION OBJECTIVELY, OUR OFFICE OF INSPECTOR AND AUDITOR AND THE TVA SENIOR MANAGEMENT TEAM STAFF ARE EVALUATING VARIOUS ASPECTS OF OUR INTERACTIONS WITH TVA TO DETERMINE WHAT ACTIONS WE MIGHT TAKE TO REDUCE THE PROBABILITY OF ANOTHER SIMILAR SITUATION OCCURRING IN THE FUTURE. ALSO,

THE NRC ACTIONS REGARDING TVA ARE UNDER INVESTIGATION BY THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS. WHEN THESE ACTIONS ARE COMPLETED, WE WILL PROVIDE TO THE CONGRESS OUR CONCLUSIONS AND OUR PLANS FOR THE FUTURE.

Chairman Palladino and Commissioners Roberts, Bernthal, and Zech's  
Response to Udall Question 9 - TVA

Question: Commissioner Asselstine has stated that the regulatory breakdown at TVA is the "single greatest failure of the NRC regulatory program since TMI".

What is each Commissioner's view as to the severity of the situation, the need for changes in NRC practices and procedures to assure that situations of this type do not recur?

Answer:

Chairman Palladino and Commissioners Roberts, Bernthal, and Zech do not concur in Commissioner Asselstine's assessment. The responsibility of the Nuclear Regulatory Commission is to regulate commercial nuclear power activities in order to protect the public health and safety. It is the responsibility of the utility, in this case, TVA, to construct, maintain, operate, and manage the facilities in such a manner as to protect the public health and safety. NRC establishes rules and standards, carefully monitors licensed activities, and takes enforcement steps if appropriate. In this sense, we do not currently believe that the TVA situation represents a severe regulatory breakdown. In fact, TVA made the decision to shut down their plants owing in large part to the regulatory concerns that had been expressed by the NRC. In the case of Sequoyah, it was equipment qualification; for Browns Ferry, it was a verbal request from the Regional Administrator to TVA to justify continued operation of the facility. Nevertheless, we do believe that there are lessons to be learned from the TVA situation that can be used to improve the performance of the NRC.

Indeed, TVA has had the benefit of considerable NRC attention over the past few years. The number of inspections, enforcement and management

conferences, civil penalties, confirmatory action letters, and Systematic Assessment of Licensee Performance (SALP) report ratings confirm this observation. A special regulatory improvement program was required to be implemented at Browns Ferry and a NRC senior management oversight team was established to monitor Browns Ferry operations. Since similar actions by other utilities had been successful in resolving like problems, it was believed that these actions would be successful at Browns Ferry. Management changes and new programs take time to implement and take effect. It takes time to determine if the changes were effective. As a result, significant delays can occur between the identification and effective resolution of a problem. The NRC was monitoring this process and was clearly devoting more than average resources to the TVA situation. In our minds, the question is whether the NRC could have been more timely or more aggressive in analyzing the TVA performance trends, or whether the NRC could have been more demanding in directing TVA corrective actions.

Information gathered by the current OI and OIA investigations will help the Commission answer these questions, but we believe the NRC has already taken and can probably take even more actions to reduce the likelihood of a similar occurrence. Valuable lessons are being learned; there is always room for improvement not only by TVA, but also by NRC.

Actions the NRC has already taken include new safety system functional inspections and pilot outage inspections. We are looking at better ways to apply inspection resources by using SALP categories and, as you are

aware, by putting at least two resident inspectors at every site. All these actions should help the agency identify problems at plants in a more timely manner.

In summary, it is important to recognize that NRC regulates while TVA constructs, maintains, operates, and manages the facilities. The NRC strives to learn from all its regulatory experiences. Within our regulatory role, we believe we are devoting the resources necessary to help TVA solve its problems. We will continue to look for ways to improve our regulatory actions as more information becomes available.

Commissioner Zech adds that he has recently asked the Commission to consider tasking the staff to better use specific performance indicators that the agency can track and analyze in one centralized location in order for the NRC to be able to better recognize increasing and declining performance trends. Some of these indicators might be unplanned scrams, Engineered Safeguard Feature (ESF) actuations, number of Licensee Event Reports (LERs), number of personnel errors and SALP report categories. Although the Commission majority did not support this approach, he is continuing to attempt to focus his attention on performance indicators. (Commissioner Asselstine supported Commissioner Zech's proposal.)

### Question 9

Commissioner Asselstine adds the following:

This Agency was aware of significant quality assurance problems within TVA as early as 1975. (See the attached memorandum from me to the EDO dated January 21, 1986.) I believe we arrived at the current state of affairs largely because this Agency has historically been reluctant to face up to management issues.

The NRC Authorization Act for fiscal years 1982/83 (P.L. 97-415) directed the NRC to conduct a study of quality and quality assurance (QA) in the design and construction of nuclear power plants and to develop improvements to NRC's and the industry's programs for achieving and assuring quality in design and construction. In April 1984, the staff completed its report "Improving Quality and the Assurance of Quality in the Design and Construction of Nuclear Power Plants, NUREG-1055." The staff reported that the key to achieving and assuring quality lies with utility management. The report highlights the fact that one of the greatest contributors to the risk associated with nuclear plants is the human component which plays a part in design, construction, operation and maintenance of nuclear facilities. And, how the human element affects nuclear plants, whether for good or for ill, depends largely upon the quality of utility management. The Commission seems to take this idea one step too far. In a recent letter we informed the Congress of the Commission's final actions related to P.L.

97-415. In that letter, a copy of which is attached, the Commission states:

"To put its decisions into suitable context, the Commission wishes to make clear licensees, not the NRC, are primarily responsible for achieving and assuring quality. Substantial improvements in quality in the nuclear industry must come from the industry itself; they cannot be 'inspected in' or 'regulated in' by the NRC." (See letter from Chairman Palladino to the Honorable Thomas P. O'Neill, Jr., dated December 12, 1985.)

As indicated in my separate views on that letter, I believe the Commission has substantial responsibility for assuring quality. The NRC must establish and enforce minimum standards to ensure quality in the design, construction, operation and maintenance of nuclear power plants. The Commission cannot abdicate this responsibility and merely rely on the industry to regulate itself.

In the case of TVA, as in the past, we are reviewing their proposals and programs. Where we find programs to be acceptable, we so inform them. That is missing a major lesson that should have been evident years ago -- TVA may develop good programs but, historically, TVA does not adequately implement them. A change in the head of operations and a set of new programs and calculations will not by themselves adequately resolve the past failings at TVA. The Commission must become much more aggressive in working with and in requiring TVA to improve its performance.