

NRC's Political Meltdown

Congress and the nuclear safety agency are in a standoff; seven political leaders demand the resignation of Commissioner Roberts

THE nuclear power industry may be in the doldrums, but not the nuclear politics industry. Federal oversight is booming. As a result, the Nuclear Regulatory Commission (NRC), the top safety agency, has become entangled in a political crisis partly of its own making.

No fewer than three congressional committees are investigating the NRC's alleged misdeeds at present. Seven committee heads have demanded that pro-industry Commissioner Thomas Roberts (one of five NRC members) be removed because of his misstatements to Congress. The NRC chairman, Lando Zech, has agreed to sponsor an independent inquiry. In addition, 21 senators wrote to the President recently asking that the Administration not get rid of another controversial NRC commissioner, James Asselstine. Asselstine has served as a clear and independent voice on safety issues, the senators said, and they wanted him kept for another 5-year term.

The requests were denied. Roberts, a Reagan appointee, has said firmly that he will not leave because he has done no wrong. He plans to stay to the end of his second term in 1990. Asselstine, also a Reagan appointee but only for one term, left office on 30 June. He will move to the securities firm of Donaldson, Lufkin, and Jenrette in New York, where he will help rate utilities seeking financing.

Meanwhile, President Reagan has chosen a replacement for Asselstine: Kenneth Rogers, president of the Stevens Institute of Technology in Hoboken, New Jersey. A nuclear physicist, Rogers has been a safety consultant to the nuclear industry and member of a utility company board, but apparently has no financial ties to the industry. In normal times he would be approved quickly. But the Senate has scheduled no hearings on his nomination, and one industry official says the Administration may find it hard to get him installed while the Roberts problem festers. "If only the Justice Department or the FBI could come up with a report clearing [Roberts] of wrongdoing," the official muses. "He could immediately claim vindication and resign." That happy ending does

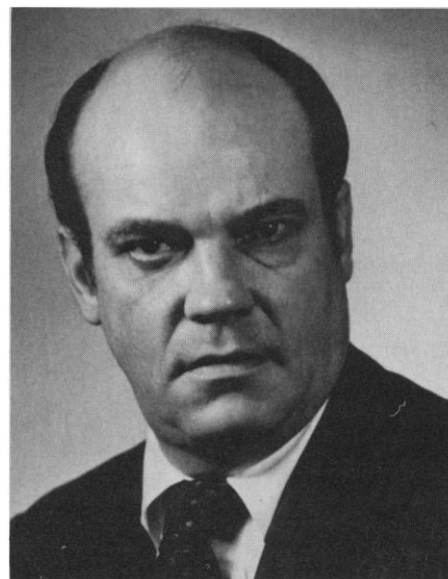
not appear to be in the offing.

The Roberts problem became public on 9 April when Senator John Glenn (D-OH) aired some in-house NRC complaints at a hearing. Glenn wants to create an independent inspectorate to watch the NRC and several other agencies, arguing that they have not policed themselves well in the past. For example, Glenn asked, what did the NRC do about the internal NRC documents discovered in a utility company's files in 1985? The papers bore the initials of Commissioner Roberts and must have come from his office.

As it turns out, the NRC did nothing. Former NRC chairman Nunzio Palladino turned the matter over to Roberts himself, and Roberts decided to stop the investigation.

The hearing revealed that Roberts learned from Palladino that the NRC's chief inspector had stumbled onto these papers while investigating another case. Roberts summoned the inspector to his office. According to the inspector, Roberts chided him for taking the issue up with Palladino, rather than with Roberts himself, then demanded that all copies of the offending papers be brought to his office. The papers dealt with hardware problems at the Waterford nuclear plant near New Orleans, owned by Middle South Services. An internal NRC memo had been circulated to Roberts's office in 1983, and within four working days it was in the hands of a Middle South executive who is an acquaintance of Roberts's. In a cover note, the executive asked that the memo from Roberts's office not be widely circulated "to protect the source within the NRC." The inspector turned this file over to Roberts in 1985, mentioning that he had also taken notes during the inquiry. Roberts demanded the notes, too.

Glenn asked Roberts what he did with all this material. He replied that the papers "were all torn up and thrown in the wastebasket." Why? Roberts said it seemed the "appropriate thing to do. . . . I admit to being somewhat paranoid. I thought someone was trying to set me up." Glenn asked who he thought had leaked the documents.



Thomas M. Roberts: "Absolutely no idea" who leaked confidential documents from his office.

Roberts said, "I have absolutely no idea." According to the NRC inspector, Roberts said in 1985 that the memo might have been leaked by "janitorial personnel." Glenn asked if Roberts had bothered to ask people at Middle South Services where they got the memo. Roberts had not. Glenn pointed out that in April 1986 Roberts lunched with the same Middle South executive who had received the memo improperly from the NRC in 1983. Glenn asked if Roberts had asked about the leaked memo. Roberts had not, he said, because "I thought the problem had gone away."

Two weeks after the hearing, Glenn asked Roberts to resign. Roberts responded that he was "truly shocked" by the senator's request and had "no intention" of complying. The House Interior subcommittee on oversight and investigations, chaired by Representative Sam Gejdenson (D-CT) began to probe, as did Senator John Breaux's (D-LA) environment subcommittee on nuclear regulation. Breaux's committee approves NRC nominees for consideration by the Senate. Gejdenson dug up what he considers other examples of Roberts's coziness with the industry and "a disregard for the process of government." He, too, asked Roberts to resign.

After taking leave to prepare his testimony for Breaux's committee, Roberts announced in May that he had rediscovered the lost documents. They had not been torn up, as he had testified, but had been sitting in a well in his desk. At this point, Breaux lost patience, too. He also called for Roberts's resignation. But Roberts does not plan to go.

Until the spotlight fell on Roberts, Assel-



James K. Asselstine finds the government's nuclear safety policy "pretty feeble."

stine was the most controversial member of the NRC. He was often the lone holdout in 4-to-1 NRC policy votes, and some of his dissenting remarks were sharply worded. This caught the attention of the press, but Asselstine claims that his role as maverick was thrust upon him, not cultivated. "The composition and the philosophy of the agency changed around me," he said recently. "The industry has adopted the philosophy that the NRC should defer to it, even when there are identified safety problems, and allow the industry to proceed on a voluntary basis. I think in the past couple of years, the NRC has been moving in that direction." Asselstine says he refused to go along with the tide. He believes the NRC should continue to be an aggressive regulator and push the industry to meet higher standards. Expressing this view, he claims, made him a loner at the NRC.

Others say that Asselstine became isolated also because he adopted a strict legal outlook, rather than a problem-solver's approach, in dealing with safety issues. One observer called him "puritanical" in his insistence on correct procedure.

Asselstine, in contrast, says it was he who sought out a consensus but found no one willing to come halfway. It was "my greatest disappointment in 5 years on the commission," he says, that he found no spirit of collegiality. Playing the insider's game and trying to reach an accommodation "only works if the others are willing to cooperate," Asselstine says. He found that other commissioners had "an attitude that we want to take a strong line, and we don't want to reach an accommodation."

The disagreement between Asselstine and the rest of the commission was obviously profound, involving not just procedural

questions but basic judgments of safety. Curiously, it was Asselstine, the nontechnical member of the commission, who often insisted on meticulous technical documentation of decisions, while others with technical training were content to go along with general statements of policy.

If Asselstine were in charge of the NRC now, he says, he would initiate three new programs. First, he would review nuclear utility management around the nation in a systematic fashion. He thinks that the worst accidents have come about as a result of poor maintenance or sloppy operations and that the NRC has a duty to remove complacency wherever it crops up. Few would disagree with this goal in principle. Second, he would undertake a broad review of all existing plants, focusing particularly on the oldest and most extensively modified ones, to see whether their designs are adequate by

present standards. Third, he would launch an "aggressive" program to determine whether equipment being installed on European reactors to mitigate a severe accident should be added to U.S. plants.

Asselstine does not think the present NRC is ready to undertake such projects, and he describes its safety program as "pretty feeble." But he predicts that congressional scrutiny of the agency will increase and that "ultimately all of these things I've outlined will be done."

It is easy to see why industry people will breathe a sigh of relief as Asselstine departs, despite their respect for his legal acumen. It is also easy to understand why they would be relieved by the departure of Commissioner Roberts. He has become a liability for the NRC and for the industry. But, for the present, Roberts is not about to yield. Nor is Congress. ■ **ELIOT MARSHALL**

Briefing:

Head of AIDS Panel Named

W. Eugene Mayberry of the Mayo Clinic in Rochester, Minnesota, has been appointed head of a presidential commission on AIDS. Mayberry, an endocrinologist, is described as a good leader and organizer. He has been an administrator at the Mayo Clinic since 1971 and has chaired its board of governors since 1976. Since receiving his medical degree from the University of Tennessee College of Medicine in 1953, Mayberry has published 35 scientific papers, most of which are about thyroid hormones.

In May, President Ronald Reagan an-

nounced the formation of an advisory AIDS commission, of which Mayberry is the first appointee. Since then, the incipient panel has drawn fire from researchers and interest groups because Gary Bauer of the White House domestic policy council has stated that it will not include any gay members.

An executive order, dated 25 June, identifies the functions of the Presidential Commission on the Human Immunodeficiency Virus Syndrome as advising the President and relevant cabinet secretaries on the public health dangers of AIDS and related conditions, including their medical, legal, ethical, social, and economic impact. The panel will also make recommendations to federal, state, and local officials about steps they can take to protect the public from AIDS, assist in finding a cure, and caring for patients. The commission will issue a preliminary report after 90 days and a final report in 1 year, and then go out of business. ■ **D. M. B.**



Eugene Mayberry: AIDS chairman.

Goslin Leaves NAS

David Goslin, longtime head of the National Research Council's Commission on Behavioral and Social Sciences and Education, will be leaving his post in the fall to head the American Institutes for Research, in Washington, D.C. The AIR, founded in 1946, is a nonprofit corporation doing research, development and evaluation in behavior, human factors, and epidemiology, primarily for the Department of Defense and the Department of Health and Human Services. ■ **C.H.**