



NRC Allegation Program Enhancements

**Public Meeting - Panel Discussion on
Interim Allegation Program Guidance**

Friday, February 13, 2009



Introduction

Bruce Mallett, Deputy Executive Director for Reactor and Preparedness Programs and Chair, Senior Executive Review Panel - Peach Bottom Lessons Learned

Introduction

- Allegations are an important source of information to the NRC and a robust program is in place to address every concern received
 - Program established 1982
 - Identity protection - cornerstone of program
 - NRC evaluates alleged feedback concerning allegation closure
- NRC continually assesses program effectiveness
 - Self- and AAA Assessments
 - Annual Reports publicly available
 - Event reviews
 - 2007 Peach Bottom event - prompted staff evaluations to determine if existing programs were followed and if additional actions could have prevented what occurred or improved the response
- Interim enhancements implemented re: AGM 2008-001
 - External stakeholder input sought

Topics for Discussion

- Contacting alлегers (who provide contact information but request no further contact with NRC)
- Considering whether to issue an allegation-related Request for Information (RFI) to a licensee
- Content of RFI letter to licensee
- Guidance for NRC staff review of licensee's RFI response
- Is there a way to share the basis for allegation closure with others who may have the same concern?



Discussion Topics

Lisamarie Jarriel, Agency Allegation Advisor

Contacting Allegers

- Circumstance
 - Alleger provided contact info but requested no further contact
 - Additional detail from the allexer could have better supported follow-up efforts by NRC and licensee
- Interim Guidance - contact each allexer, even when no further contact is requested to :
 - Encourage allexer's continued involvement (receipt of correspondence, opportunity to provide feedback)
 - Obtain additional information, if needed
 - Allow better understanding of identity protection concerns
 - Relay NRC intent to issue RFI to licensee, if applicable

Contacting Allegers

- Discussion Topics
 - Should the allexer's initial wishes be honored?
 - What if during the contact, the allexer reiterates his/her request for no contact?
 - NRC position is that a need for additional information overrides an allexer's request for no contact. Is this appropriate?
 - NRC has access to the phone number used by anonymous allexers through "caller ID" for possible use should the agency be compelled to re-contact the allexer for reasons of public health and safety. What is the proper etiquette for informing the caller of this information?

Considering an RFI to the Licensee

- Circumstance
 - NRC Policy: request from the licensee a written evaluation of allegation concerns as often as is appropriate
 - RFI letter to licensee had limited initial detail about “other” areas where security officers may have been inattentive
 - Consideration of allegeders’ identity protection also limited the amount of detail that could be provided to the licensee
 - Results of initial allegation evaluation may have been more successful if coupled with NRC inspection effort

Considering an RFI to the Licensee

- Interim Guidance
 - RFI Policy affirmed
 - More formalized decision-making
 - Consider all allegation evaluation options (inspection/technical review; investigation; RFI; combination)
 - Consider existing conditions inhibiting RFI (allegor objection because of ID compromise; investigation compromised; independence compromised; etc.)
 - Consider allegation/inspection trends (past RFI response inadequacies; allegation subject/source trends; other indicators of limitations in site's ability to identify and resolve problems)

Considering an RFI to the Licensee

- Discussion Topics
 - Is RFI an appropriate option for allegation evaluation?
 - Is sending an RFI letter to the licensee any more or less likely to identify an alleger (than an NRC inspection)?
 - Should the criteria used to consider issuing an RFI be modified?

RFI Letter to Licensee

- Circumstance
 - Detail provided in RFI letter was limited due to 1) honoring “no contact” request and lack of detail about “other” areas where security officers may have been inattentive and 2) alleged identity protection considerations
 - Licensee’s response did not indicate how NRC expectations with regard to thoroughness and objectivity were met
 - Licensee did not clarify that interviews were of sufficient scope and depth

RFI Letter to Licensee

- Interim Guidance – RFI letter will request the licensee to:
 - describe evaluator independence and qualifications, and how the evaluation was of sufficient scope and depth;
 - describe the basis for determining number and cross-section of individuals interviewed; provide content of interview questions
 - contact NRC when initiating concern evaluation to ensure common understanding of allegation scope and NRC expectations for licensee follow-up
 - provide any necessary additional specific information requested
 - identify any violations of NRC requirements

RFI Letter to Licensee

- Discussion Topics
 - Besides the telephone call directed by the interim guidance, what should be the licensee's level of interaction with the NRC during the evaluation?
 - What precautions can be taken to ensure the conversation with the licensee:
 - Provides proper guidance without restricting or limiting the licensee's response?
 - Doesn't compromise the alleged's identity?

Review of Licensee RFI Response

- Circumstance
 - initial allegation concerns were not substantiated
 - NRC staff review of licensee RFI responses was not thorough
 - Existing guidance for NRC staff review of licensee RFI responses was general
- Interim Guidance
 - establishes more specific guidance for NRC staff review of licensee RFI responses; checklist developed
 - independently verify aspects of the licensee RFI response
 - articulates potential staff actions if the licensee's response is inadequate, inaccurate, or otherwise unacceptable (to be factored into future RFI considerations)
 - closure documentation should clearly document: the allegation, the licensee's evaluation and RFI response (if applicable), and NRC's conclusion regarding the allegation

Review of Licensee RFI Response

- Discussion Topics
 - What constitutes licensee evaluator “independence”?
 - What makes a licensee evaluator qualified to review an allegation?
 - What should be the consequences for providing inadequate RFI responses?
 - Is refraining from sending RFIs to the licensee in the future an appropriate NRC reaction to the receipt of inadequate RFI responses?
 - If the licensee identifies a violation of NRC requirements during its evaluation of an RFI, should the violation be considered licensee-identified or NRC identified?

Can Closure Info Be Shared?

- Circumstance
 - Since this issue became a public matter, information about follow-up activity and conclusions about closure of the allegation concerns were made available to a wider audience than normal
- Interim Guidance
 - SERP requested that a discussion be held with external stakeholders as to whether there is a viable way to share information about the basis for closure of an allegation with others who may have the same concern(s)

Can Closure Info Be Shared?

- Discussion Topics
 - What are the advantages/disadvantages of sharing allegation closure information with a wider audience than the allegor?
 - Do the advantages of sharing allegation closure information outweigh the risk of disclosing the allegor's identity?
 - An allegor can share his/her allegation response information with anyone. Is that sufficient?

Resources – Website & ADAMS

- Peach Bottom Lessons Learned Documents
 - Peach Bottom Lessons Learned Review Team Report and AAA Assessment: ADAMS ML080420566
 - Senior Executive Review Panel Report: ADAMS ML080570429
 - Commission Staff Requirements Memorandum: COMSECY-08-0009 <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2008/>
 - Inspector General Event Inquiry, “NRC’s Response to Security-Related Concerns at Peach Bottom Atomic Power Plant”: ADAMS ML082460838
 - Senior Executive Review Panel Report response to IG Event Inquiry: ADAMS ML082740227
 - Allegation Guidance Memorandum 2008-001, “Interim Guidance in Response to Lessons Learned from the Allegation Assessment of Inattentive Security Officers at Peach Bottom Atomic Power Station”: ADAMS ML083640272