

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-99-273 - IMPACT OF CHANGES TO THE INSPECTION PROGRAM FOR REACTORS ON IMPLEMENTING THE ALLEGATION PROGRAM**

Approved Disapproved Abstain

Not Participating

COMMENTS: *See attached comments.*


SIGNATURE

12/13/99
DATE

Entered on "AS" Yes No

Commissioner Merrifield's Comments on SECY-99-273

I approve the staff's recommendation to seek stakeholder input on options for implementing the allegation program under the baseline inspection program before the Commission chooses a particular option.

The NRC's allegation program clearly holds significant stakeholder interest since it is a very important mechanism for members of the public and workers in the industry to identify safety and regulatory issues directly to the NRC. Any change to this program which could be perceived by our stakeholders as representing a reduction in NRC's commitment to thorough and timely review and resolution of allegations will likely be met with strong opposition. Thus, I believe we must openly and effectively communicate with the public, Congress, plant workers, and our other stakeholders about the difficult issues raised in SECY-99-273, and seek their insights prior to making a decision on the options presented. I strongly encourage OCA and OPA to work closely with NRR to ensure that our intentions are clear to our stakeholders. I also encourage the staff to remain open-minded to other options that may be identified by these stakeholders.

The staff is correct in pointing out the trade offs each option presents with respect to the performance goals. Clearly, there are merits to better integrating safety and risk significance into our allegation process. However, by doing so, we should not compromise our ability to protect the identity of alлегers. It would be irresponsible for the NRC to take actions which deter individuals from providing safety or regulatory issues to the agency or unintentionally encourage individuals to provide issues to the NRC without first raising the issue internally. We should also not adopt changes to the allegation program which support a perception that the NRC is unresponsive to alлегers. Adversely impacting public confidence or causing the unintentional consequences discussed in SECY-99-273 (e.g., misuse of the 2.206 process) would be undesirable. This is a difficult challenge for the staff and one that warrants extensive stakeholder involvement.

As I have stated on many occasions, the staff should be commended for their hard work associated with the development of the new reactor oversight program. It is unfortunate that, given the significant NRC resources expended on resolving reactor-related allegations, and the link between the allegation program and the inspection component of the new reactor oversight program, the staff was unable to integrate allegation follow-up (as discussed in SECY-99-273) into the ongoing pilot plant activities. We likely would have benefitted from insights gained. When the staff reports back to the Commission regarding the stakeholder feedback associated with the options presented in SECY-99-273, it should also discuss other opportunities for piloting the staff's eventual recommendation and/or other options.



12/13/99



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

January 27, 2000

SECRETARY

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette Vietti-Cook, Secretary *Annette Vietti-Cook*

SUBJECT: STAFF REQUIREMENTS - SECY-99-273 - IMPACT OF
CHANGES TO THE INSPECTION PROGRAM FOR
REACTORS ON IMPLEMENTING THE ALLEGATION
PROGRAM

The Commission has approved the staff's proposal to seek stakeholder input before choosing an option for implementing the allegation program under the new oversight process. The staff should report back to the Commission on the results of stakeholder feedback and recommend an approach to implementing the allegation program under the new oversight process. When the staff reports back to the Commission regarding the stakeholder feedback associated with the options presented in SECY-99-273, it should also discuss other opportunities for piloting the staff's eventual recommendation and/or other options.

(EDO)

(SECY Suspense:

7/28/00)

In determining the viability of a risk-informed approach, the staff should consider a more robust analysis of the applicability of the SDP. The staff should consider benchmarking the proposed SDP allegation review process by applying the proposed process to a representative sample of allegations that have already been closed to determine whether the SDP initial review would have screened out allegations that, after NRC review and inspection, identified issues of safety importance.

The Commission has agreed that the NRC should not adopt changes to the allegation process which unacceptably reduce the ability to protect the identity of allegers.

The staff should also emphasize that, regardless of the option eventually implemented, this agency will remain vigilant in protecting the ability of people to raise safety issues to the NRC.

The Offices of Congressional Affairs and Public Affairs should work closely with NRR to ensure that our intentions are clear to our stakeholders. The staff should remain open-minded to other options that may be identified by these stakeholders.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS