

**Options for Implementing NRC's Allegation Program
Public Meeting
June 1, 2000
10 AM to 1 PM**

Opening Remarks

Introductions

Overview of Comments

What Are The Issues?

Break - 11:00

Pros/Cons of Options

Case Studies - If Time Permits

Additional Discussion Topics

Break - 12:30

Summary of Discussion

Subsequent Actions

OVERVIEW OF COMMENTS

OPTION 1 - CONTINUE THE CURRENT ALLEGATION PROGRAM - FOLLOW-UP EACH ALLEGATION RECEIVED

ENDORSED BY UCS AND PUBLIC CITIZEN

OPTION 2 - CONDUCT ALLEGATION FOLLOW-UP IN CONJUNCTION WITH PLANNED INSPECTIONS

NO SUPPORTING COMMENTS

OPTION 3 - USE THE SIGNIFICANCE DETERMINATION PROCESS TO CLASSIFY THE RISK SIGNIFICANCE OF TECHNICAL ALLEGATIONS. NRC WOULD INDEPENDENTLY EVALUATE ALLEGATIONS CLASSIFIED AS WHITE, YELLOW, OR RED, BUT WOULD CONDUCT NO INDEPENDENT EVALUATION OF ALLEGATIONS CLASSIFIED AS GREEN. GREEN ISSUES WOULD BE REFERRED TO THE LICENSEE.

ENDORSED BY NEI, SIEMENS, HOPKINS AND SUTTER (NUCLEAR REGULATORY SERVICES GROUP), WINSTON AND STRAWN, FLORIDA POWER & LIGHT, AMERGEN, APS, PECO, COMMONWEALTH EDISON, AND NORTH ATLANTIC WHEN MODIFIED TO INCLUDE THE COMMUNICATION ASPECTS OF OPTION 4

OPTION 4 - SIMILAR TO OPTION 3, EXCEPT THE ALLEGER WOULD BE ABLE TO REQUEST THAT NRC CONDUCT AN INDEPENDENT EVALUATION OF ALLEGATIONS CLASSIFIED AS GREEN

ENDORSED BY ENTERGY AND 2 PRIVATE CITIZENS

**TVA OPTION - CONSIDER THE RISK SIGNIFICANCE OF THE ISSUE,
NRC'S CONFIDENCE IN THE UTILITY'S CORRECTIVE ACTION SYSTEM AS ASSESSED BY THE BASELINE INSPECTION PROGRAM, AND
WHETHER THE ALLEGER ATTEMPTED TO USE THE UTILITY'S PROGRAMS TO RESOLVE THE ISSUE.
IF THE CONDITIONS ABOVE ARE MET, REFER THE ALLEGER, NOT THE ALLEGATION, TO THE LICENSEE FOR EVALUATION OF LOW OR NO RISK ISSUES**

GARDE OPTION - A LICENSEE SHOULD BE GIVEN THE OPTION OF DEMONSTRATING THAT IT HAS A SAFETY CONSCIOUS WORK ENVIRONMENT. THE CRITERIA INCLUDE:

1) A HIGH QUALITY ALTERNATIVE EMPLOYEE CONCERNS PROGRAM,

2) ZERO TOLERANCE FOR RETALIATION BASED ON MANAGEMENT/SUPERVISOR TRAINING, APPROPRIATE DISCIPLINE FOR RETALIATION, AND TIMELY REACTION TO INCIDENTS OF POTENTIAL “CHILLING EFFECT,” AND

3) A STRONG CORRECTIVE ACTION PROGRAM.

IF A LICENSEE ACHIEVED A GREEN RATING IN EACH AREA, NRC WOULD REFER ALL TECHNICAL ISSUES TO THE LICENSEE

AREAS OF AGREEMENT

- **NRC SHOULD ENSURE COMMUNICATIONS WITH ALLEGERS ARE TIMELY AND COMPREHENSIVE**
- **NRC SHOULD CONTINUE TO INDEPENDENTLY REVIEW ISSUES THAT ARE RISK-SIGNIFICANT (ISSUES THAT THE SDP PROCESS RANKS AS WHITE, YELLOW, OR RED) AND INFORM THE ALLEGER OF THE RESULTS**
- **NRC SHOULD CONTINUE TO INDEPENDENTLY EVALUATE WRONGDOING ISSUES, INCLUDING DISCRIMINATION, AND WORK ENVIRONMENT ISSUES**

AREAS OF DISAGREEMENT

- **WHETHER NRC SHOULD ESTABLISH A RISK THRESHOLD FOR INDEPENDENT NRC EVALUATION OF ALLEGATIONS OR BASE THE TIMELINESS OF NRC EVALUATIONS ON THE RISK SIGNIFICANCE**
- **THE IMPACT OF NRC NOT CONDUCTING INDEPENDENT EVALUATIONS OF ISSUES WITH LITTLE OR NO RISK SIGNIFICANCE ON THE WILLINGNESS OF INDIVIDUALS TO RAISE ISSUES TO THE ATTENTION OF THE NRC**
- **THE PUBLIC'S PERCEPTION OF NRC NOT CONDUCTING INDEPENDENT EVALUATIONS OF ISSUES WITH LITTLE OR NO RISK SIGNIFICANCE**

GENERAL QUESTIONS

- **LICENSEE CORRECTIVE ACTION PROGRAMS AND EMPLOYEE CONCERNS PROGRAMS DON'T HAVE RISK THRESHOLDS.**
- **WHY SHOULD NRC'S PROCESS FOR REVIEWING ALLEGATIONS BE DIFFERENT FROM LICENSEE PROGRAMS THAT DEAL WITH SIMILAR ISSUES?**
- **HOW ARE THE GOALS OF THE NRC AND INDUSTRY PROGRAMS DIFFERENT THAT THE INDUSTRY BELIEVES THE NRC PROGRAM SHOULD HAVE A RISK THRESHOLD?**
- **WHAT IS THE DIFFERENCE BETWEEN RISK INFORMING THE INSPECTION PROGRAM AND RISK INFORMING THE ALLEGATION PROGRAM? WHAT IS DIFFERENT BETWEEN THE PROGRAMS?**

WHAT ARE THE ISSUES FOR THE ALLEGATION PROGRAM?

- **MAINTAIN SAFETY - ADDRESS SAFETY ISSUES RAISED IN ALLEGATIONS**
- **ENHANCE PUBLIC CONFIDENCE**
 - **IDENTITY PROTECTION**
 - **TIMELINESS OF RESPONSE**
 - **QUALITY OF RESPONSE**
- **INCREASE EFFICIENCY, EFFECTIVENESS, AND REALISM OF ALLEGATION PROGRAM**
 - **IMPACT OF ALLEGATION FOLLOW-UP ACTIVITIES ON INSPECTION SCHEDULE AND RESOURCES**
 - **IMPACT ON AGENCY RESOURCES OF EXTERNAL STAKEHOLDERS (CONGRESS, MEDIA, SPECIAL INTEREST GROUPS) REACTING TO HOW PARTICULAR ALLEGATIONS WERE HANDLED**
 - **EFFICIENCY OF RISK THRESHOLD IN CONSIDERATION OF SECOND BULLET**
- **REDUCE UNNECESSARY REGULATORY BURDEN**

DISCUSSION OF PROS AND CONS OF OPTIONS

CASE STUDY #1

The NRC receives an allegation from a licensee employee that the maintenance procedures for motor operated valves are too dependent on “skill of the craft” and do not provide sufficient guidance in light of the technical capability of workers recently hired in the maintenance department. The licensee employee does not believe the issue has high or immediate safety significance, but over time, as more of the experienced workers retire, it will become a safety issue. He has reported the issue to the corrective action program and the employee concerns program and disagrees with their conclusion that the maintenance procedures do not need to be upgraded.

The licensee employee does not want the issue referred to the licensee because the licensee is well aware he has pushed this issue internally and he is afraid of retaliation. He believes the licensee does not want to spend the money to upgrade the procedures because of the need to be competitive.

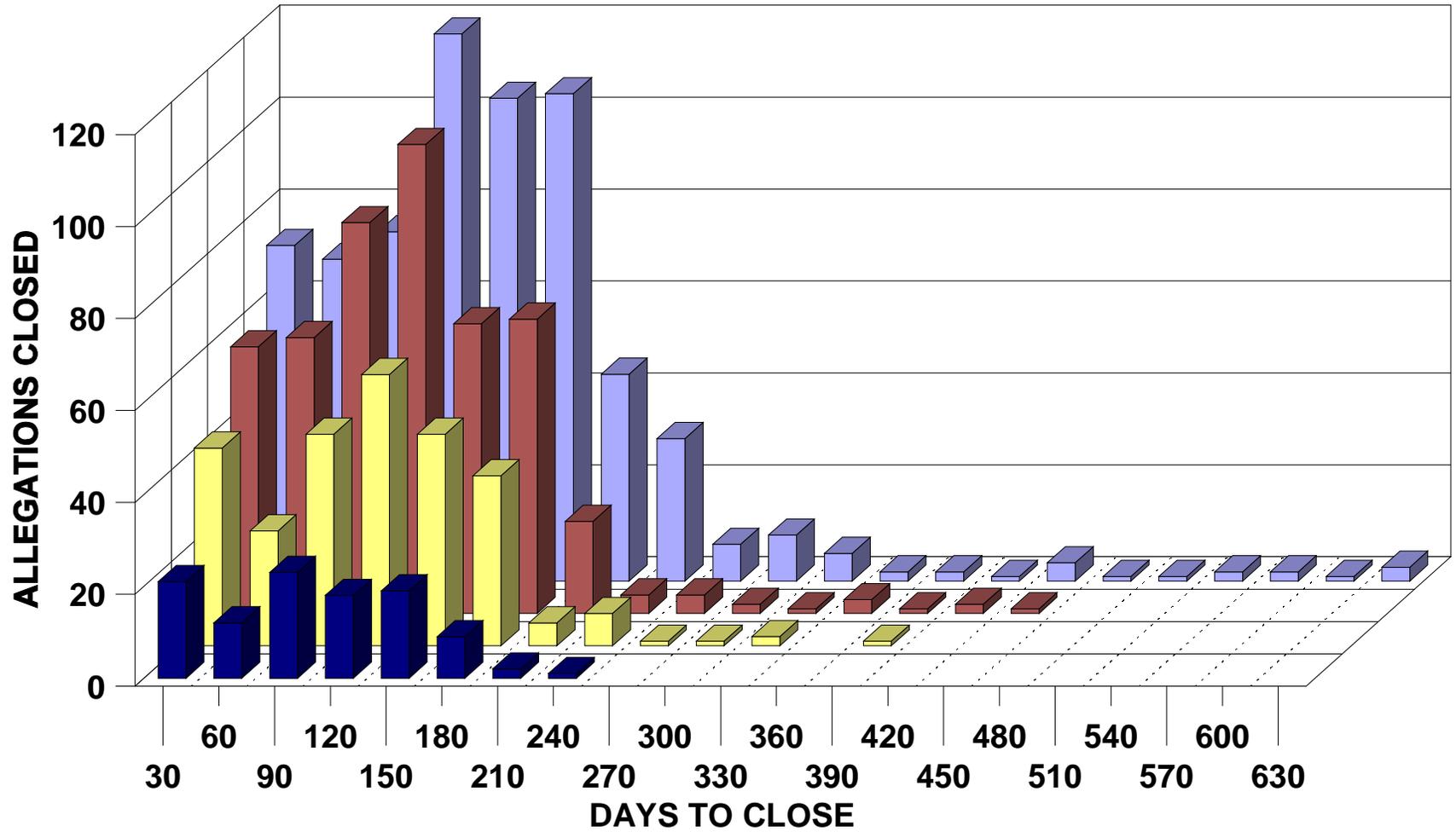
If true, the allegation has low risk significance in the short term based on the employee’s assessment of the current skills of the workforce. Additionally, the NRC no longer has an inspection procedure in the baseline inspection program for observation of maintenance. The staff uses a performance indicator to assess the conduct of maintenance. If the NRC conducts an inspection, the licensee likely will conclude the inspection is allegation related and may conclude the employee brought the issue to the NRC.

CASE STUDY #2

A licensee employee, who works in Quality Assurance, informs the NRC that the licensee is improperly limiting the review of the extent of condition for problems raised in the problem identification/corrective action program. The employee stated that the extent of the problem is programmatic and that the licensee is limiting the “extent of condition” review in order to limit how much corrective action is needed. The employee has discussed this issue with her immediate supervisor and he supports her view. However, she has not formally submitted the issue to the corrective action program because her immediate supervisor told her senior management will challenge every aspect of her position and try to poke holes in her argument. Because the employee is being considered for a promotion, she does not want the issue referred to the licensee.

In discussing the issue with the NRC staff, the employee provided a number of examples, but did not identify any particular examples for which the failure to perform a more complete “extent of condition” review resulted in a risk significant issue. However, the employee is adamant that the programmatic nature of the problem is significant.

TIME TO CLOSE REACTOR TECHNICAL ALLEGATIONS



FY1997
 FY1998
 FY1999
 FY2000