

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

April 12, 1990

MEMORANDUM FOR: Harold R. Denton, Director, GPA

James M. Taylor, Executive Director
for operations

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-90-108 - REFUSAL TO PROVIDE ACCESS TO
NRC INSPECTORS BY A VENDOR OF SAFETY-RELATED
MATERIAL

This is to inform you that the Commission, with all Commissioners agreeing, has approved the taking of informal steps to convey to Congress the need for Congressional action on NRC's proposals to obtain authority to impose civil penalties for a vendor's failure to comply with the Commission's rules and to obtain authority to issue administrative search warrants. These proposals were among several legislative changes submitted for Congressional consideration on February 2, 1989. The Commission requests that the need for Congressional action be conveyed first to the staff of NRC's authorizing committees and that OCA discuss with Congressional staff the feasibility of moving this legislative initiative forward as a free-standing bill.

While not objecting to initiating informal contacts with Congressional staff and agreeing that the administrative search warrant authority would be a useful tool, Chairman Carr does not believe this case is the best example to take to Congress on the need for greater access to vendor facilities when the problem arose on our third visit to the facility in less than eight months after we had earlier failed to identify problems. While agreeing that the administrative search warrant authority would be a useful tool to ensure we obtain access to vendor facilities; Chairman Carr does not see such considerations as a major motivation for seeking an extension of the civil penalty authority in Section 206.

cc: Chairman Carr
Commissioner Roberts
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
OGC

NOTE: THIS SRM AND THE SUBJECT SECY PAPER WILL BE MADE PUBLICLY AVAILABLE IN 10 WORKING DAYS FROM THE DATE OF THIS SRM.