

13 April 1992

8805 Blue Sea Dr.
Columbia, MD 21046
410-381-5769

U.S. Nuclear Regulatory Commission
ATTN: William H. Foster, Chief, Policy Branch
Division of Contracts and Property Management
Mail Stop P-1118
Washington, DC 20555

Subject: Comments on NRC Organizational Conflicts of Interest Policy

Dear Mr. Foster:

The purpose of this letter is to submit my comments on the NRC's conflict of interest policy, the subject of a meeting held on Thursday, March 26 at the Holiday Inn in Bethesda. In order to be completely above board, it should be noted that I am an employee of Science Applications International Corporation (SAIC). However, it should also be noted that I am writing this letter as an individual, without the encouragement, review, or approval of any other employees or representatives of the company.

I wish to state, in beginning, that I am personally offended by the NRC's policy on conflict of interest. The basis for this is the inherent implication in the policy that I and my fellow workers are incapable of rendering sound and unbiased technical judgements on behalf of the NRC simply because of other activities engaged in by others employed by the same company. Further, the implication is that we are also incapable of protecting from misuse any information that comes to us in the course of our work, and in fact that we are so predisposed to misuse this information ourselves that all temptation must be proscribed. Again, this is presupposed of us simply because of other activities performed by other individuals under the employ of SAIC.

I am sure you can see why I am troubled by the NRC's policy. I and my co-workers have reputations to uphold, and the implication that we would risk those reputations through the misuse of privileged information or other ethical transgressions is very objectionable to me. I, personally, am quite proud of the fact that my name is recognized both in this country and abroad and is consistently associated with high technical excellence and unquestioned integrity. Yet, you would deny my expertise to NRC simply because of who I work for. Further, by implication, you would feel it unsafe for me to go onto a licensee site without prohibiting my company from doing any other work (even unrelated work) at that site, obviously because you fear that I would betray NRC's trust to benefit my employer.

You see, the point of all this is that you have approached this from the concept that you are trying to prevent an "organizational conflict-of-interest," but you cannot separate the organization from the individuals within it. You cannot mistrust an "organization," since it is inanimate. It is a mistrust of people that results in a policy such as NRC's. Certainly, there are people out there that are deserving of mistrust, but your policy unfairly penalizes

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the vast majority who have no other goal than to fairly serve their client in a fully ethical manner. A policy such as yours is only valid if it were impossible for an individual to exist who is capable of remaining unbiased in the face of temptation, if it were impossible for the managers of a company to refrain from pressuring employees to be unethical, and if it were impossible for employees to resist any such pressures. I am here to tell you that the vast majority of all the individuals that I have dealt with in this business are above suspicion and should be above being treated like suspects. While your policy certainly makes policing conflicts a lot easier for you, it unfairly discriminates against the ethical majority. It's like burning down your house to get rid of termites. Or even worse, it's like putting a whole city in jail just to make sure the crooks are off the street.

So what's to be done? How about a policy centered on individual responsibility. The behavior you are trying to prevent is unethical bias or use of information. Then, it should be that behavior that should be proscribed, not any situation that could possibly lead to it. (Note that it is drunk driving that is illegal and is punished, not drinking, which is obviously the only way you can get to drunk driving. The assumption is made in this law that the majority of people are responsible drinkers, and that drinking itself is not objectionable behavior.) I, for one, would gladly sign any documents stating that if I show any bias that would benefit myself or my company, that if I use any privileged information for personal gain, or that if I behave in any other unethical manner that I can be fined and jailed. I am sure many of my colleagues would also sign such documents. Further, I am equally sure (although I haven't asked) that my employer would also sign documents prescribing penalties for the company in the event that any employees violate their individual oaths. Yes, this would be harder to police, but at least it would be fair. Put the burden where it belongs instead of taking the easy way out, so that people of integrity like myself can go back to providing NRC with the highest quality services to ensure the health and safety of the American public. After all, isn't that what is all about?

Sincerely,

A handwritten signature in dark ink, appearing to read 'Paul J. Amico', with a long horizontal flourish extending to the right.

Paul J. Amico

cc:

I. Selin, Chairman, USNRC

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AUTHOR: PAUL J. AMICO

AFFILIATION: MD (MARYLAND)

ADDRESSEE: WILLIAM FOSTER

Salman

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INTEREST POLICY

ACTION: Appropriate

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