



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

June 21, 1994

OFFICE OF THE
CHAIRMAN

Memorandum to: File
From: *Kathryn Winsberg*
Kathryn Winsberg
Subject: DR. SELIN'S JUNE 17, 1994 MEETING WITH
REPRESENTATIVES OF NEW ENGLAND COALITION ON
NUCLEAR POLLUTION
Attendees: Annette M. Larson, Michael J. Daley, Dr.
Judith H. Johnsrud, and Michael J. Mulligan,
all of the New England Coalition on Nuclear
Pollution; Dennis K. Rathbun and Kathryn
Winsberg, of Dr. Selin's staff

This meeting was the result of NECNP's earlier inquiry about DOE's recent openness initiatives. Dr. Selin noted that the Department of Energy's openness initiatives do not have any direct connection with the NRC, however the NRC has for at least the past 3 years had ongoing initiatives to improve agency openness. Dr. Selin cited examples including his own and other Commissioners' visits to licensees which are often the occasion for open press conferences; Regional Administrators' meetings and press conferences to give out information; Chairman's meeting notes which are placed in the Public Document Room; the experiment with open enforcement conferences; the increase in public workshops to enhance public input into the rulemaking process; and improvements to the 2.206 petition process to allow petitioners more contact and information about the process.

Mr. Mulligan discussed his past problems in getting satisfactory resolution of safety concerns he raised to NRC resident inspectors when he was a reactor operator at Vermont Yankee. Mr. Mulligan felt that his safety concerns were rejected without full consideration. Dr. Selin stated that he hoped that current practice in evaluating new potential safety issues has improved as risk analysis is being incorporated.

This led to a discussion of the recent NRC staff studies of the NRC and Department of Labor (DOL) processes to protect whistleblowers. Dr. Selin explained that although NRC cannot document the exact scope of the problem with harassment, intimidation, or retaliation against whistleblowers in NRC-licensed activities, we are going ahead with improvements to our process, and are supporting changes to the DOL process. Although the adoption of changes to the DOL process is exclusively DOL's decision, NRC is supporting DOL's consideration of transferring responsibility for Section 211 cases from the Wage & Hour Division to OSHA, and would also support appeals of initial

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decisions not being considered de novo, and that DOL would defend its initial decision.

Dr. Johnsrud advocated NRC consideration of an "Internal Division of Whistleblowers" which would serve to synthesize outside information and to challenge the traditional assumptions of the regulatory status quo. She stated that this would produce a needed questioning attitude inside the regulatory establishment.

Recent media attention to NRC policy on discretion not to enforce regulatory requirements was discussed. Dr. Selin explained that the Commission paper that has been withheld from public release contains only the legal advice of the General Counsel concerning a change in policy. The actual change in policy was adopted in a rulemaking notice and is fully available to public. Dr. Selin's staff agreed to provide the documentation.

The topic of elimination of requirements marginal to safety was discussed. The representatives of the NECNP expressed dissatisfaction with the process, and the trend toward reducing requirements for regulatory submissions by licensees which may cause problems for public access to information. Dr. Selin advised the group that there is a petition for rulemaking concerning public access to information. The petitioner is requesting a new process to require NRC licensees to give the public access to regulatory documents which are not submitted to the NRC, but which are maintained at licensees' premises for inspection by the NRC. Dr. Selin recommended participation in this rulemaking and his staff agreed to provide a copy of the notice of the petition for rulemaking.

cc: Public Document Room