

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER DICUS

SUBJECT: **SECY-98-192 - RESOLUTION OF ALLEGATIONS  
CONCERNING THE PERFORMANCE OF AGREEMENT  
STATE PROGRAMS**

Approved X Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

*with comments*

*John Jay Dicus*  
SIGNATURE

*November 12, 1998*  
DATE

Entered on "AS" Yes X No \_\_\_\_\_

9812100041 981208  
PDR COMMS NRCC  
CORRESPONDENCE PDR

9812100041

Commissioner Dicus' comments on SECY-98-192:

I approve Option 3 modified as follows. Allegations concerning employee wrongdoing, except that of the radiation control program (RCP) director, should be initially referred to the RCP director. It is inappropriate to not refer such allegations to the RCP director since that individual has first line responsibility for the conduct of employees in the program. Should NRC subsequently find the matter to not have been appropriately followed up, the matter can be re-referred by the NRC to the line management over the RCP director or to the State IG or AG.

Option 3 strikes a proper balance between the need of the NRC to follow up and be responsive to allegations concerning the Agreement States and the need to recognize the fundamental difference of the relationships between NRC and its licensees and NRC and the Agreement States. While oversight of the latter is our responsibility, the States themselves are regulatory entities having standards for performance and ethics. While procedural implementation of the States' standards may not necessarily be identical with that of the NRC, the standards have in common the goal of creating and maintaining public confidence and trust in the States' programs. Option 3 provides a policy that is in keeping with the NRC goal of striving for a performance based approach in our programs by providing flexibility when dealing with Agreement State allegations.