

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook  
Secretary of the Commission

FROM: COMMISSIONER DICUS

SUBJECT: SECY-99-043 - ORGANIZATIONAL CONFLICT OF INTEREST  
REGARDING DEPARTMENT OF ENERGY LABORATORIES

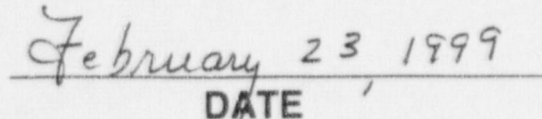
Approved   X   Disapproved        Abstain       

Not Participating        Request Discussion       

COMMENTS:

See attachment

  
SIGNATURE

  
DATE

Entered on "AS" Yes   X   No

**Commissioner Dicus' comments on SECY-99-043:**

I approve the staff's proposal to use the existing waiver process to address COI concerns, with continued application of the current COI procedures implementing Section 170A of the Atomic Energy Act to the work the DOE performs for the NRC. However, I am concerned that the frequent granting of waivers may degrade the credibility of the NRC's COI policy and may appear to create a lesser standard for COI considerations for DOE activities. As such, I believe the Commission should amend its policy, rather than deviate from it by the frequent granting of waivers, should a noticeable increase in the number of waivers occur. Therefore, my approval is made with the following conditions:

The staff should monitor the issuance of waivers granted as a result of DOE COI. Should a noticeable increase in the number of waivers occur, the staff should:

- (1) Promptly notify the Commission, and
- (2) Propose legislative changes, as discussed in alternative 2 in SECY-98-003, to amend the AEA, consistent with OGC's recommendation in its May 18, 1998 memorandum to the Commission on this issue.