

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER MCGAFFIGAN

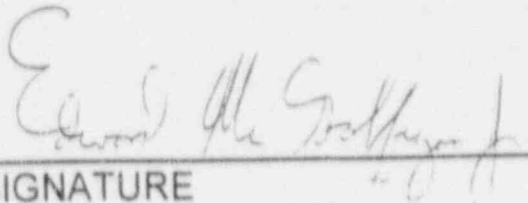
SUBJECT: SECY-97-156 - APPLICATION OF FEDERAL GOVERNMENT-
WIDE CONFLICT OF INTEREST REQUIREMENTS AND NRC
ENFORCEMENT POLICY ON LICENSEE INTEGRITY ISSUES
TO AGREEMENT STATE PROGRAMS

Approved ☒ *with comments* Disapproved _____ Abstain _____

Not Participating _____ Request Discussion _____

COMMENTS:

See attached comments.


SIGNATURE

Release Vote ☒ _____

8/8/97
DATE

Withhold Vote ☐ _____

Entered on "AS" Yes ☒ No _____

COMMISSIONER MCGAFFIGAN'S COMMENTS ON SECY-97-156:

I strongly believe that the existence and implementation of conflict-of-interest (COI) requirements for State employees involved in Agreement State regulation have a direct bearing on the adequacy of an Agreement State's program. When we relinquish our regulatory authority to an Agreement State, we rely on the Agreement State employees to protect public health and safety by licensing and regulating in an honest and completely objective manner. In the absence of State COI requirements, implemented and enforced, our reliance on Agreement State employees to objectively regulate to protect public health and safety may be misplaced and is certainly called into question.

Accordingly, on Issue 1, I agree that we should proceed promptly to determine whether all Agreement States have COI requirements and inform the Agreement States of the Commission's preliminary view that COI issues are relevant to the adequacy of an Agreement State program. I also believe consideration should be given to reviewing COI rules and their enforcement routinely under IMPEP rather than addressing them only "as they arise on a case-by-case basis."

On Issue 2, I agree with the staff's proposal to develop internal guidance on NRC's handling of integrity and wrongdoing issues involving Agreement State officials and suggest that question one on page 5 of the paper be expanded to ask whether the integrity issue has, or has the potential to have, an impact on the adequacy of the current program.

Finally, on Issue 3, I agree with the staff's proposal to designate the wrongdoer rules in 10 CFR 30.10, 40.10, and 70.10 (which authorizes the regulator to take needed enforcement actions against unlicensed individuals) as compatibility category C.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 3, 1997

- Done out

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: *John C. Hoyle*
John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-97-156 -
APPLICATION OF FEDERAL GOVERNMENT-WIDE
CONFLICT OF INTEREST REQUIREMENTS AND NRC
ENFORCEMENT POLICY ON LICENSEE INTEGRITY
ISSUES TO AGREEMENT STATE PROGRAMS

The Commission has approved the staff's plans to summarize the preliminary recommendations in the subject paper, transmit it to the Agreement States, and make it available for public review and comment. After receipt and resolution of comments, the staff should submit final recommendations to the Commission for approval. The Commission also approves staff's plan to contact the Agreement States to confirm that conflict of interest requirements are in place in each Agreement State. Staff should inform the Commission of the results of the survey and identify any concerns that result from the survey.

Question one on page 5 of the paper should be changed as follows. "Does the integrity issue have an impact on the adequacy of the current radiation control program, or does it have the potential to have an impact on the ability of the Agreement State to maintain an adequate and compatible radiation control program?" The staff should also consider and make a recommendation to the Commission on whether Agreement State conflict of interest rules and their enforcement should be reviewed routinely under IMPEP rather than addressed only "as they arise on a case-by-case basis."

(EDO)

(SECY Suspense:

4/3/98)

SECY NOTE: THIS SRM, SECY-97-156, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR
DCS