

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary

FROM: COMMISSIONER MCGAFFIGAN

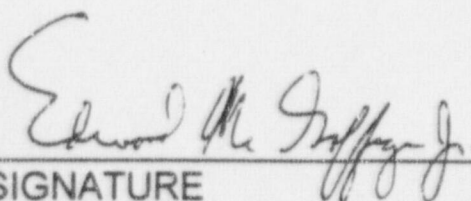
SUBJECT: SECY-98-068 - CONSIDERATION OF APPLICATION OF
FEDERAL GOVERNMENT-WIDE CONFLICT OF INTEREST
OR ETHICS REQUIREMENTS AND NRC ENFORCEMENT
POLICY ON LICENSEE INTEGRITY ISSUES TO
AGREEMENT STATE PROGRAMS

Approved ☒ Disapproved ☐ Abstain ☐

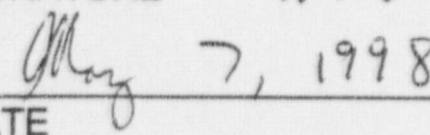
Not Participating ☐ Request Discussion ☐

COMMENTS:

See attached comments.



SIGNATURE



DATE

Release Vote ☒

Withhold Vote ☐

Entered on "AS" Yes ☒ No ☐

Commissioner McGaffigan's Comments on SECY-98-068:

I approve the staff recommendations to address issues concerning the consideration of State employee ethics and licensee integrity matters in Agreement States as described under Issue 1. I believe that NRC should request that prospective Agreement States submit documentation of State conflict of interest (COI) and ethics regulations or procedures applicable to those portions of the State radiation control program covered by the Agreement. This approach will ensure that future Agreement States have COI/ethics regulations or procedures in place at the time of entering into the formal Agreement with NRC that are comparable to those currently in existence in other Agreement States, Ohio, Oklahoma and Pennsylvania as determined by the NRC staff in the recent survey.

In Issue 3, I agree with the staff's plan to provide its recommendations to the Commission on whether NRC's Employee Protection provisions in 10 CFR 30.7, 40.7 and 70.7 should be a compatibility category C. I believe that category C is appropriate and note that it is consistent with that proposed for NRC's deliberate misconduct provisions under Issue 3.

Also in Issue 3, I agree with the staff's plan to strongly recommend that Agreement States have the authority to prohibit unlicensed persons engaged in deliberate misconduct from future involvement in licensed activities within their jurisdiction. I would also add that the staff should strongly recommend that Agreement States provide NRC with information on State actions to prohibit individuals--licensed or unlicensed--from involvement in licensed activities for the purpose of sharing such information. NRC currently makes information on NRC actions publicly available on its Home Page. The staff should consider the feasibility of adding relevant Agreement State information to this compilation so that it is available for consideration by all Agreement States and the NRC during licensing, inspection and enforcement activities.

cds



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 12, 1998

SECRETARY
MEMORANDUM TO:

L. Joseph Callan
Executive Director for Operations

FROM:

John C. Hoyle
John C. Hoyle, Secretary

SUBJECT:

STAFF REQUIREMENTS - SECY-98-068 - CONSIDERATION
OF APPLICATION OF FEDERAL GOVERNMENT-WIDE
CONFLICT OF INTEREST OR ETHICS REQUIREMENTS AND
NRC ENFORCEMENT POLICY ON LICENSEE INTEGRITY
ISSUES TO AGREEMENT STATE PROGRAMS

The Commission has approved the staff's recommended approach to the issues raised in the subject paper. The staff should move to implement the NRC's deliberate misconduct rule as a matter of compatibility category C, whether by rule or other legally binding requirements which meet the objectives of the deliberate misconduct rule. With respect to the need for determining the compatibility category of employee protection rules, the staff should survey and discuss the issue with the Agreement States and appropriate organizations and provide an opportunity for public comment on this issue.

Prospective Agreement States should be requested to submit documentation of State conflict of interest and ethics regulations or procedures applicable to those portions of the State radiation control program covered by the Agreement.

The staff should coordinate with the Agreement States to determine whether they can provide the NRC with information on State actions to prohibit individuals -- licensed or unlicensed -- from involvement in licensed activities for the purpose of sharing such information. The staff should consider the feasibility of adding relevant Agreement State information to the compilation of information on NRC actions currently available on the NRC Home Page.

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

*Dupe
out*

SECY NOTE: This SRM, SECY 98-068, and the Commission Voting Record will be made publicly available 5 working days after the date of the final SRM.

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