

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER DIAZ

SUBJECT: **SECY-99-223 - MILLSTONE INDEPENDENT REVIEW TEAM
MARCH 12, 1999, REPORT ON ALLEGATIONS OF
DISCRIMINATION IN NRC OFFICE OF INVESTIGATION
CASES NDA: 1-96-002, 1-96-007, AND 1-97-007, AND
ASSOCIATED LESSONS LEARNED- RECOMMENDATION
NO. 6**

Approved _____ Disapproved ^{w/comments} XX *[Signature]* Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

[Signature]
SIGNATURE

9.23.99
DATE

9910150192 991013
PDR COMMS NRCC
CORRESPONDENCE PDR

Entered on "AS" Yes _____ No _____

COMMISSIONER DIAZ' COMMENTS ON SECY-99-223

I do not find a sufficient basis in the staff's analysis that would warrant Commission action on the issue of licensees' recordkeeping regarding downsizing or reorganization. It appears that the staff has been able to conduct sound investigations under the present system. Although the issue is not deeply examined in the staff's presentation, it seems that licensees should already have substantial reason to generate and maintain records relating to a rational and proper basis for individual personnel decisions in the case of large layoffs or reorganizations. While the staff's recommendation (option 4) that the Commission simply encourage licensees to document and retain all records relevant to any large scale reorganization or downsizing effort has some appeal, the actual benefit or value of a generic encouragement, without much specificity or clarity, is not obvious.

I believe that the Commission remains strongly committed to deterring licensees and regulated parties from discrimination against individuals who raise safety concerns. It devotes substantial resources to assuring effective and efficient investigations of potential discrimination, and will assuredly continue to do so. The staff indicates that the Office of Investigations would consider the need to promptly issue a subpoena to capture the relevant records upon receipt of an allegation of discrimination, and the staff certainly should pursue all available tools for sanctioning any deliberate destruction of records as part of a scheme to discriminate.

