

January 27, 2000

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-273

TITLE: IMPACT OF CHANGES TO THE INSPECTION PROGRAM FOR REACTORS ON IMPLEMENTING THE ALLEGATION PROGRAM

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 27, 2000.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of January 27, 2000.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-273

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. MESERVE	X					12/22/99
COMR. DICUS	X				X	12/21/99
COMR. DIAZ	X				X	12/13/99
COMR. McGAFFIGAN	X					1/5/00
COMR. MERRIFIELD	X				X	12/13/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 27, 2000.

Commissioner Comments on SECY-99-273

Commissioner Dicus

I approve the staff recommendation to seek stakeholder input on options for modifying our allegation process.

The allegation process is one of our most important programs. An effective allegation process not only helps us maintain credibility as a regulator, it is vital in helping to ensure public health and safety. Under the current oversight process, we have long recognized that our inspection program is a sampling process and have used the allegation process to supplement our inspection program and help focus our inspection efforts. Under the new reactor oversight process and considering the potential change in the N+1 policy at sites with multiple reactors, we should continue to carefully consider the important role, perhaps even more important role, that the allegation process will play in helping us to fulfill our regulatory mission.

A more robust analysis of the applicability of the SDP process be considered. It appears that the feasibility assessment discussed in the paper considered only an a "tabletop" review and application of the SDP process. We should benchmark the SDP allegation review process by applying the process to allegations that have already been closed to determine whether the SDP initial review would screened out allegations that, after NRC review and inspection, identified issues of safety importance. This type of assessment may provide some measure of the fidelity of the SDP process for allegations and how often our inspection process determined an issue to be a safety significant issue even though an initial assessment of the allegation may lead us to believe that the allegation was not safety significant.

Finally, I agree with Commissioner Merrifield that we should not adopt changes to the allegation process which support a perception that the NRC is unresponsive to allegations or unacceptably reduces our ability to protect the identity of allegers. Similarly, for whatever option is ultimately supported by the Commission, appropriate consideration should be given for "piloting" the proposed changes to the allegation process.

Commissioner Diaz

I approve the staff's proposal to seek stakeholder input before choosing an option for implementing the allegation program under the new oversight process. In soliciting feedback, the staff should stress that the options under consideration are strictly limited to assessing the potential safety impacts of technical issues. I believe that the American public is best served when the NRC can use risk informed methods to quickly assess the validity of allegations -- and then ensure that rapid corrective action is taken.

I am strongly committed to identifying and effectively responding to instances of retribution against those who raise safety concerns, and I believe that my fellow Commissioners are too. Therefore, the staff should also emphasize that, regardless of the option eventually implemented, this agency will remain vigilant in protecting the ability of people to bring safety issues to their management's attention.

Commissioner Merrifield

I approve the staff's recommendation to seek stakeholder input on options for implementing the allegation program under the baseline inspection program before the Commission chooses a particular option.

The NRC's allegation program clearly holds significant stakeholder interest since it is a very important mechanism for members of the public and workers in the industry to identify safety and regulatory issues directly to the NRC. Any change to this program which could be perceived by our stakeholders as representing a reduction in NRC's commitment to thorough and timely review and resolution of allegations will likely be met with strong opposition. Thus, I believe we must openly and effectively communicate with the public, Congress, plant workers, and our other stakeholders about the difficult issues raised in SECY-99-273, and seek their insights prior to making a decision on the options presented. I strongly encourage OCA and OPA to work closely with NRR to ensure that our intentions are clear to our stakeholders. I also encourage the staff to remain open-minded to other options that may be identified by these stakeholders.

The staff is correct in pointing out the trade offs each option presents with respect to the performance goals. Clearly, there are merits to better integrating safety and risk significance into our allegation process. However, by doing so, we should not compromise our ability to protect the identity of allegers. It would be irresponsible for the NRC to take actions which deter individuals from providing safety or regulatory issues to the agency or unintentionally encourage individuals to provide issues to the NRC without first raising the issue internally. We should also not adopt changes to the allegation program which support a perception that the NRC is unresponsive to allegers. Adversely impacting public confidence or causing the unintentional consequences discussed in SECY-99-273 (e.g., misuse of the 2.206 process) would be undesirable. This is a difficult challenge for the staff and one that warrants extensive stakeholder involvement.

As I have stated on many occasions, the staff should be commended for their hard work associated with the development of the new reactor oversight program. It is unfortunate that, given the significant NRC resources expended on resolving reactor-related allegations, and the link between the allegation program and the inspection component of the new reactor oversight program, the staff was unable to integrate allegation follow-up (as discussed in SECY-99-273) into the ongoing pilot plant activities. We likely would have benefitted from insights gained. When the staff reports back to the Commission regarding the stakeholder feedback associated with the options presented in SECY-99-273, it should also discuss other opportunities for piloting the staff's eventual recommendation and/or other options.