

December 8, 1998

MEMORANDUM William D. Travers

TO: Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-98-192 - RESOLUTION OF ALLEGATIONS CONCERNING THE PERFORMANCE OF AGREEMENT STATE PROGRAMS

The Commission has approved a modified version of Option 3 which is to continue entry into the allegation management system of allegations concerning Agreement State licensees and closure of that allegation after review by regional Allegation Review Boards (ARB) and transfer to the appropriate Radiation Control Program (RCP) Director. Allegations concerning Agreement State performance or wrongdoing would be treated as concerns, and transferred through correspondence from the Office of State Programs (OSP), rather than treated as an allegation. Absent a credible health and safety concern, Agreement State program performance concerns, or performance or wrongdoing concerns involving the RCP Director, would be referred to either the Agreement State Inspector General, Attorney General, or senior line management above the RCP Director level, as appropriate, based on a decision by OSP using criteria to be developed, without convening an ARB. Allegations concerning employee performance or wrongdoing, except that of the RCP director, should be initially referred to the RCP director. Should NRC subsequently find the matter to not have been appropriately followed up, the matter can be re-referred by the NRC to the line management over the RCP director or to the State Inspector General or Attorney General. The allexer would be informed of the referral. NRC action to conduct a special evaluation of the adequacy and compatibility of an Agreement State program should be initiated when significant, valid safety concerns are identified.

The staff should inform the Commission immediately if the current level of effort (0.25 FTE) needs to be augmented because of an increase in the number of allegations or if the reprogramming from other budgeted Agreement State activities affects Commission priority items, e.g., IMPEP reviews.

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