



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 28, 2016

The Honorable Jason Chaffetz
Chairman, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am responding to your March 18, 2016, letter to the U.S. Nuclear Regulatory Commission (NRC) requesting information regarding NRC disciplinary policies and procedures.

In such matters, the NRC follows 5 U.S.C. Chapter 75 and 5 U.S.C. Chapter 43 and their accompanying regulations. The NRC also applies applicable case law, such as *Douglas v. Veterans Administration*. In addition, the Office of Personnel Management provides agencies with a working draft of a Senior Executive Service (SES) desk guide that also assists agencies in matters regarding adverse actions.

Based on these authorities, the agency has developed several documents that address disciplinary policies and procedures. Copies are enclosed. Please note that the NRC does not have a table of offenses or penalties.

If you need anything additional, please contact me at (301) 415-1776.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Dacus", is written over a horizontal line.

Eugene Dacus, Director
Office of Congressional Affairs

Enclosures:

- 1) Management Directive 10.135
(SES Employment and Staffing)
- 2) Management Directive 10.137
(SES Performance Management System)
- 3) NRC SES Performance Management System
(current description)¹
- 4) Management Directive 10.99
(Discipline, Adverse Actions, and Separations)
- 5) Collective Bargaining Agreement between US NRC
and the National Treasury Employees Union.
- 6) Management Directive 10.67
(General Grade Performance Management system)
- 7) NUREG/BR-0134, Rev. 2 (NRC Drug-Free Workplace Plan)

¹ Management Directive 10.137 is currently under revision. Those revisions are expected to be consistent with this current description of the SES Performance Management System.

**Documents Provided in Response to Chaffetz request
Dated March 18, 2016**

Management Directive 10.135 (Senior Executive Service Employment and Staffing)

http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.135.pdf

Management Directive 10.137 (Senior Executive Service Performance Management System)

http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.137.pdf

SES Performance Management System (description)

<http://fusion.nrc.gov/ochco/team/workforce-mgmt/perf-mgmt/SESTransition/Forms/AllItems.aspx?RootFolder=%2Fochco%2Fteam%2Fworkforce%2Dmgmt%2Fperf%2Dmgmt%2FSESTransition%2FGeneral%20Information&FolderCTID=0x012000D97460686ED9DF4F9CE1244C6A14CB7C&View={87CC3D09-875F-4E65-BA70-345DA648B189}>

Management Directive 10.99 (Discipline, Adverse Actions, and Separations)

http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.99.pdf

Collective Bargaining Agreement between U.S. Nuclear Regulatory Commission and the National Treasury Employees Union <http://www.internal.nrc.gov/HR/pdf/cba.pdf>

Management Directive 10.67 (General Grade Performance Management System)

<http://www.internal.nrc.gov/policy/directives/catalog/md10.67.pdf#D>

Drug Free Workplace Program (NUREG/BR-0134, REV. 2)

http://www.internal.nrc.gov/ADM/security/pers_sec/DrugTestingPlan.pdf

Identical letter to:

The Honorable Jason Chaffetz
Chairman, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, DC 20515

The Honorable Elijah E Cummings
Ranking Member, Committee on Oversight
and Government Reform
United States House of Representatives
Washington, DC 20515