



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2800
ATLANTA, GEORGIA 30323-0189

JUN - 6 1994

Regional Office Instruction No. 1801, Rev. 2

HANDLING OF ALLEGATIONS OF IMPROPER ACTIONS BY NRC EMPLOYEES OR CONTRACTORS

A. Purpose:

To inform the Regional staff of procedures to be followed when an allegation of improper action by an NRC staff member involved in inspections or other license activities is received. Such an allegation might be made by either a licensee, by another NRC staff member, by the news media, by a member of a local, state or Federal government; or by any other member of the public.

NOTHING IN THESE PROCEDURES IS INTENDED TO LIMIT ANY LICENSEE OR NRC EMPLOYEE FROM CONTACTING THE INSPECTOR GENERAL (IG) DIRECTLY ABOUT THEIR CONCERN.

B. Discussion:

One of the outcomes of NRC's Regulatory Impact Survey was to challenge the industry to replace its generalized expressions of concern about individual staff conduct with specific instances of improper action. Title 5, Parts 2635 and 5801 of the Code of Federal Regulations (5 CFR 2635 and 5801) are the governing regulations which prescribe the "Code of Conduct" by which employees of this agency must abide. Note that 5 CFR 2635.101(b)(11) invites employees to report to the Office of the Inspector General all complaints concerning fraud, graft, corruption and abuse. Further guidance and interpretations of this requirement are given in the Management Directive System, MD Number 10.98, and NRC Inspection Manual Chapter 1201 "Conduct of Employees." It is the responsibility of NRC employees to be familiar with the requirements set forth in 5 CFR Parts 2635 and 5801, the policies contained in the referenced chapters applicable to them, and to comply with those applicable regulations and policies. Implicit in these guidance and requirement documents is the expectation that all employees will execute the duties entrusted to them in a professional manner.

To facilitate NRC management's ability to resolve issues which may arise, this Instruction was developed to establish the procedures by which the Region will receive, act on, resolve or forward to other authorities (e.g., the Office of the Inspector General) allegations of improper actions by a member of the NRC staff involved in inspections or other license activities.

B/6

This procedure is designed to be equitable to the staff member against whom the allegation is made; to the individual or organization making the allegations; and to the legitimate needs of NRC to assure its functions are carried out appropriately.

The Deputy Regional Administrator (DRA) is designated to implement this process. The Regional Counsel is designated to carry out that role in the absence of the DRA and may assist the DRA in administering the process specified in this guidance.

C. Action:

[NOTE: All allegations of improper actions by NRC employees will be handled in a prompt manner. Time is of the essence in such matters because of the impact on the affected staff member and agency actions that may be required. Since each case is different, it is not practical to establish individual time goals for each stage of this process; however, all staff are advised that Regional management expects these matters to be given high priority and resolved quickly.]

1. Any staff member approached by an individual who provides an allegation of improper actions by an NRC staff member should inform the alleged that he/she has the right to contact the IG directly and provide the alleged with the IG Hotline phone number (1-800-233-3497). Should the alleged decide to make the allegation to the Regional staff member, the individual receiving the allegation should:

- (a) Inform the alleged of the DRA's role as the preferred coordinator for all such allegations. The staff member should advise the alleged that the DRA will be informed and the alleged will be contacted by the DRA shortly. In the event the allegation involves the DRA, the Regional Administrator shall be the contact point for resolving the matter and the Regional Administrator shall carry out the DRA functions specified in this guide.

[NOTE: It is preferable for the alleged to contact the DRA directly. However, it is also recognized that certain individuals will be reluctant to do so. In such an event, the staff member should elicit as many specific details about the alleged impropriety as possible, including the names of other individuals who could provide additional or corroborating information. This information should be documented including the circumstances under which the information was received, and forwarded to the DRA as in 1(c) below. Although the recipient of the allegation should gain all available information from the alleged, no direct investigative or followup actions specified in this guide

(Section c.6) are to be initiated until the DRA and OIG discuss the allegation and agree that the matter should be pursued by the staff (Section C.4)].

- (b) Obtain the name, mailing address and telephone number of the alleged, if possible, to provide to the DRA. Inform the alleged that while his or her concerns will be handled discreetly, subsequent personnel or investigative actions may make it necessary to involve the alleged further. Additionally, the alleged should be informed that if the investigation results in adverse action against the accused, the accused has the right to ask the agency to provide the specifics of the allegations.
 - (c) Inform the DRA:
 - (1) That an allegation has been made and any details that were obtained.
 - (2) The name, mailing address, and telephone number of the alleged, if available.
 - (d) The actions in "c" above should be done as soon as possible including calling the information in from the site, if necessary.
 - (e) Do not provide the identity of the individual(s) who is (are) the subject of the allegation and the substance of the allegation to any other NRC staff member or licensee employee except as defined in this Instruction. Therefore, summaries prepared under 1(a) above should be personally prepared whenever possible and may be handwritten or orally delivered.
2. The DRA will open a file relative to the allegation. This will be a numerical file system maintained by the DRA similar to that used for allegations against licensees and will not be identified by employee name. If the allegation relates to an NRC employee from another office, the DRA will inform the Deputy Director of that office.
3. The DRA will promptly attempt to contact the alleged.
- If contact is made, the DRA will document a summary of the allegation as soon as possible via the telephone conversation with the alleged. If the alleged is willing, a written allegation from the alleged would be ideal.

4. Upon receipt of the information, the DRA will:
 - (a) Make a preliminary determination as to whether the allegation falls within one of the following categories:
 - (1) wrongdoing;
 - (2) matters of conduct or performance of duties exclusive of wrongdoing.
 - (b) Contact the Assistant Inspector General for Investigations to discuss the allegation, and decide whether the matter should be handled by the Office of the Inspector General or the Staff. The DRA should recommend to the OIG the staff's preference but the IG's decision on the matter is dispositive. In the event agreement cannot be reached, the DRA should contact the DEDR.
5. If the allegation is referred to the IG, the disposition of the matter will be carried out in accordance with Management Directive 7.4, "Notification and Investigation of Misconduct." The Regional Counsel will prepare the referral for the DRA's signature. The DRA will document the referral in the file and the file will be closed. The DRA will ask the IG whether the employee and/or additional line management can be informed of the allegation and its referral to the IG. Such dissemination of information will be handled in accordance with the desires of the IG. The DRA will document in the file the IG's position with regard to informing the employee and line management, and whether such information was provided and to whom.
6. If the region is to resolve the allegation:
 - (a) The RA will decide at this stage whether the nature of the allegation is such that the accused employee should be precluded from participating in any activities related to the licensee and/or work activity identified in the allegation.
 - (b) The DRA will inform the Division Director (DD) of the individual(s) identified in the allegation and authorize release of the information contained in the file to the DD.
 - (c) The DD will inform the affected employee of the issue(s) and obtain the employee's version of the events in writing. This will help to prevent distortion of information when it is transmitted among staff members. The source of the allegation will not be revealed to the employee at this time.

- (d) The DD will advise the affected employee not to contact any involved or suspected licensee directly or otherwise pursue resolution of the allegation independently.
- (e) After receiving the employee's written version of the issue, the DD will inform the DRA regarding:
 - (1) further follow-up actions to ascertain additional facts and to evaluate significance, (e.g., interview alleged, other licensees, co-workers, evaluate work patterns, etc.) and/or
 - (2) recommendations, as appropriate for remedial actions, and/or
 - (3) the plan, including a schedule for implementation, to execute any of the above.
- (f) After review and finalization, the DRA will recommend a course of action to the RA for approval. The DD is responsible for timely implementation of the approved action plan with frequent status reports to the DRA.
- (g) If the allegation is found to be without merit, the DD will inform the employee, in writing, of that conclusion after approval by the DRA.
- (h) If the allegation is found substantiated, the DD will consult with the Director, Division of Resource Management and Administration on what appropriate actions should be taken and advise the RA.
- (i) The DRA will notify the alleged in writing noting that NRC has addressed the concern and stating whether or not the allegation was substantiated.

No details of any personnel action should be included. A copy of the correspondence will be placed in the file. The employee will be advised of the findings and the appropriate remedial action will be initiated by the DRA.

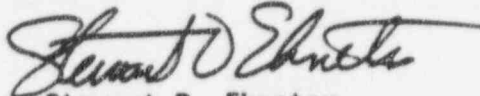
[NOTE: Prior to any action being taken against an employee based on an allegation, the employee has the right to be informed of all the facts surrounding the allegation, including the identity of the alleged].

D. Contact:

Questions or comments regarding this Instruction should be directed to the Deputy Regional Administrator at extension 15610.

E. Effective Date:

This Instruction becomes effective upon issuance and supersedes Regional Office Instruction No. 1801 dated April 13, 1994.



Stewart D. Ebner
Regional Administrator

Distribution List A