

REGION I INSTRUCTION 1210.1, Revision 10

ALLEGATIONS AND COMPLAINTS - GENERAL

A. Purpose

This instruction sets forth the Region 1 procedure for implementing NRC Management Directive 8.8, "Management of Allegations, May 1996.

B. References

1. NRC Management Directive 8.8, Management of Allegations, May 1996
2. NRC Enforcement Manual, June 1996

C. Discussion:

Regional personnel involved in receiving and processing allegations must be familiar with Management Directive 8.8. In addition, each Region I staff member shall:

- understand the definition of an allegation
  - a declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activities, the validity of which has not been established;
  - includes all concerns identified by sources such as the media, individuals, organizations, and technical audit efforts from the Federal, State or local government regarding activities at a licensee site;
  - may be made in person, in writing, or by telephone.
- recognize allegations, and handle them and alleged in a professional, prompt, and consistent manner.
- protect the identity of alleged and take every effort to preclude the inadvertent or premature disclosure outside the NRC of the identity of any alleged, including confidential sources.
- recognize that no information received regarding safety can be considered "off the record.", and clearly inform any alleged who offers "off the record" information that safety-related information will not be accepted as "off the record" and that such information will be officially accepted and appropriately acted upon by the NRC.
- implement the allegation process in accordance with this instruction.

D. Implementation

1. Any Region I staff member may receive or disposition an allegation, and therefore, each staff member shall

CONTACT:  
Senior Allegation Coordinator

Revision Responsibility:  
ORA

- a. become familiar with this instruction, understand their responsibilities, and follow the procedures described herein.
  - b. attend annual refresher training.
2. Each Region I Division Director and the Chief, Technical Programs Staff, ORA, shall assure its employees properly implement their allegation responsibilities, as described herein.
  3. The Senior Allegation Coordinator (SAC) shall coordinate the handling of allegations; schedule all allegation panels; prepare documentation to allers; maintain the NRC Allegation Management System up-to-date; and maintain all official files of all documentation associated with the handling of allegations, including, but not limited to, the original allegation, staff correspondence related to the allegation (both to the aller and licensee), records of related telephone conversations, DOL correspondence (if applicable) on "Whistleblower Allegations", and OI documentation; and prepare and issue monthly Allegation Status Reports by the tenth calendar day of each month describing the status of allegations, as well as management charts and performance indicators describing the status of allegations at the end of the previous month.
  4. The Director, Division of Resource Management (DRM), will annually perform an audit of the allegation files maintained by the SAC to assure compliance with procedures and required record maintenance requirements. The Director, DRS, shall also assign a staff member to provide technical support to the Director, DRM, to review a sample of the closed files to verify that the inspection effort to follow-up an allegation adequately addressed the specific allegations. The Director, DNMS, shall assign the State Agreement Officer to perform technical reviews of allegation files involving material licensees. Audits shall also include review of issues raised in prior Region I and Headquarters audits. A report of the audit's findings shall be provided to the Regional Administrator.

E. Periodic Audits or Reports

1. The Monthly Allegation Status Report is prepared by the SAC.
2. Annual audits of the official Allegation Files are performed by the Director, DRM.

F. Effective Date

This Regional Instruction is effective upon receipt and will remain in effect until superseded.

Original Signed by:  
William F. Kane

Approved:

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Hubert J. Miller  
Regional Administrator

Date:

\_\_\_\_\_  
September 27, 1996

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GLOSSARYSenior Allegation Coordinator (SAC)

Designated staff member that serves as the point of contact for coordination of administrative processing and control of all allegations received by Region 1. Is assisted by the Allegation Coordinator (AC) and the Allegation Assistant (AA).

Allegation Coordinator (AC)

Designated staff member who assists the Senior Allegation Coordinator with the coordination of administrative processing and control of all allegations received by Region 1.

Action Office (AO)

The NRC office that has lead responsibility for reviewing and taking action to resolve an allegation. For the purposes of this instruction, OIG is not an action office.

Action Office Contact (AOC)

The staff member in the Action Office who is assigned the project responsibility for resolving the allegation. This individual for Region I will normally be the responsible DRP or DNMS Branch Chief.

Allegation

A declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activities, the validity of which has not been established.

Allegation Disposition Record

A record which documents the decision of the Allegation Panel which assigns responsibilities to the technical division for inspection or referral to a licensee, and preparing closure letters to the alleged, requests assistance from the Office of Investigations for wrongdoing matters, assigns responsibilities to the SAC for issuing acknowledgement and update letters and referrals to other offices or agencies, and to the State Agreements Officer or State Liaison Officer for referrals to states or other government agencies. The Allegation Disposition Record is signed by the Allegation Panel Chairman, and is maintained in the allegation case file.

Allegation Receipt Report

A record completed by the recipient of an allegation which documents information concerning the allegation and the alleged.

Allegation Management System (AMS)

A computerized information system that contains a summary of significant data pertinent to each allegation.



Alleger

An individual or organization who makes allegations. The individual or organization may be a concerned private citizen, a public interest group, news media, a licensee, vendor or contractor employee, or a representative of a local, State, or Federal agency.

Allegation Panel

A committee comprised of the Director or Deputy Director of the Division of Reactor Projects (DRP) for reactors, or Director or Deputy Director Nuclear Material Safety (DNMS), for materials: their designated representatives; the Regional Counsel; and the SAC. The panel is augmented with the Regional State Liaison Officer (RSLO) or State Agreements Officer (SAO) for state related allegations; the Director, Office of Investigations (OI) Field Office or a designated representative for all allegations where there is a potential for wrongdoing or a suspicion of wrongdoing; and the Senior Enforcement Specialist on an ad hoc basis. The panel determines the appropriate course of action for dispositioning the allegations.

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APPENDIX 1.0

ALLEGATION PROCESS

1. RECEIPT OF ALLEGATIONS

- A. Allegations may be received in a variety of ways (telephone, in person, by letter, newspaper article, listening to a television or radio program, at social events, from other federal or state or local government agencies, or referral from the OIG hotline). Allegations may involve either NRC licensees, or Agreement State licensees.
- B. When receiving information from an alleged, Region I staff shall not be influenced by any perceptions of what the alleged's motivation may be to bring forth an issue, but only by the merits of the issue.
- C. The staff should, at all times, protect the identity of an alleged, and should, for all allegations, avoid unnecessary use of information in correspondence or discussions that would reveal an alleged's identity.
- D. Regional staff must recognize allegations and promptly handle them in accordance with the guidance herein.

1. Receipt of Allegations By Technical Personnel:

- a. For allegations received by telephone in the regional office, the recipient of the allegation should either take the allegation, or transfer the alleged to the SAC, AC, or responsible Branch Chief or project engineer.
- b. For allegeders who appear in person at the regional office, the receptionist should contact the SAC, AC, the responsible Branch Chief or project engineer, who will take the allegation.
- c. For allegations received in person or by telephone out of the office (such as by a resident or regional inspector at a licensee's facility), the individual should take the allegation.
- d. For allegations received through means other than by telephone or in person (e.g., letter, newspaper article, television or radio broadcast, etc.), the recipient of the allegation should take the allegation.
- e. For all allegations, the recipient of the allegation should
  - obtain the alleged's name, address and home phone number, and position in, or relationship to, the facility or activity involved;
  - obtain the alleged's specific concerns; obtain as much information as possible; utilize basic questions (who, what, when, where, why, and how) to expand and clarify information and define specific concerns; question the alleged to determine if other concerns exists; utilize

guidance in Appendix 3.0, as needed, for interviewing alleged;

- ask the alleged if there are any objections to the NRC referring the allegation to the licensee for follow-up;
- if the allegation involves issues outside of NRC regulatory jurisdiction, such as Agreement State issues or issues related to other Federal agencies, ask whether the alleged would object to their name being provided to the other agency, since the other agency would have responsibility for resolving their concern.
- inform the alleged of the NRC policy on protecting alleged identity (see Appendix 4.0); if the individual indicates that the information will be provided if confidentiality is maintained, inform the person that it is NRC policy to treat all alleged's identities as sensitive/need-to-know information. If the alleged persists in seeking confidentiality, advise that a confidentiality agreement will have to be coordinated through the SAC or a Branch Chief or above and immediately attempt to contact the SAC or your branch chief;
- inform the individual that Section 211 of the Energy Reorganization Act prohibits an employer from discriminating against an employee for contacting the NRC;
- if the alleged claims to be the victim of discrimination for raising safety concerns in spite of the prohibition, or the events described suggest that such a possibility exists, advise the alleged that if they desire to pursue a personal remedy, a written complaint must be filed with the U.S. Department of Labor within 180 days of the incident to ensure protection under the law, and provide the alleged the address concerning how to contact DOL (In the acknowledgement letter, the SAC will provide the alleged, in writing, a copy of DOL's "Procedures for the Handling of Discrimination Complaints Under Federal Employee Protection Statutes," 29 CFR, Part 24);
- if the individual will not provide their name, provide the individual the name of the SAC and the SAC's phone number where the individual can call regarding the status of NRC follow-up of the allegation;
- immediately after completing discussions with an alleged, inform the SAC and supervisor if the allegation involves any immediate safety issues;

- document the allegation on an Allegation Receipt Report (see Appendix 5.0) with as much specificity as possible, and summarize each specific concern in "bullet form" in the Allegation Summary section on page 1 of the form;
  - notify supervisor and hand carry the original of the Allegation Receipt Form to the SAC ASAP and no later than three working days. If the allegation is received outside the office, such as by a resident at a site, promptly forward the original of the allegation documentation to the SAC in an addressee only envelope;
  - prior to providing the Allegation Receipt Form to the SAC, make a copy of the form and maintain the copy only until you have verified that the SAC has received the original of the allegation, then destroy the copy;
  - follow the guidance in Management Directive 8.8, Section A regarding considerations for offering confidentiality to an alleged in the event the alleged is reluctant to provide information. Only Branch Chiefs and above, as well as the SAC, are delegated the authority to offer confidentiality; therefore, if confidentiality is being considered, attempt to obtain the SAC or the Branch Chief to assist with the interview; confidentiality may be temporarily granted orally but must be affirmed by the allegation panel, and then a confidentiality agreement (see Appendix 4.0) must be sent to the alleged.
- f. In addition to allegations received from alleged, an Allegation Receipt Report shall be completed and provided to the SAC and OI for all staff suspected wrongdoing. Wrongdoing may include false records, false statements to the NRC, willful violations, harassment/discrimination issues, etc. The individual suspecting the wrongdoing shall complete an Allegation Receipt Report even though the concern was not obtained from an alleged. This provides a central location for tracking all potential wrongdoing matters.
2. Receipt of Allegations By Nontechnical Personnel:
- a. If a non-technical person receives a telephone call in the Regional Office from an individual with an apparent concern, the individual shall forward the caller to the SAC, AC, the responsible Branch Chief, or project engineer. If a technical person is unavailable, or if the individual does not want to be transferred, the recipient of the allegation should obtain as much information as possible from the alleged, including the name, home address and home phone number of the alleged, or find out if and when the individual can make a return telephone call to the regional office. The recipient of the allegation shall also explain to the alleged that

he/she may call back the SAC either collect or via the NRC Safety Hotline (1-800-695-7403).

- E. Upon receipt of the allegation, the SAC shall sanitize the allegation of any alleged-identifying information, and then provide sanitized copies to the members of the allegation panel to be convened to disposition the allegation.
- F. Under no circumstances shall a Region I employee release the name, address, telephone number, or other potentially identifying information about an alleged to any individual outside the NRC, including personnel of other federal or state agencies, without the authorization of the Regional Administrator, or the Acting Regional Administrator in his absence. In addition, any document listing alleged-identifying information shall be stored only in the official files in the SAC office. Staff may maintain working files of allegations but those working files shall not contain any alleged-identifying information, and must be destroyed or returned to the SAC upon completion.
- G. Subsequent regional contacts with an alleged after the initial receipt shall normally be done by the SAC or AC; however, a technical staff member may be included, or may contact the alleged separately, as needed, particularly for complex technical issues.

## 2. TRACKING & ACKNOWLEDGEMENT OF ALLEGATIONS

- A. Upon receipt of an allegation by the SAC, the SAC shall assign a file number to the allegation to initiate tracking of the allegation once it has been received by the SAC, and shall
  - enter the information into the NRC's Allegation Management System (AMS) within 10 days;
  - establish an Allegation Document Control Form (see Appendix 2.1) that is placed in the official allegation file;
  - establish a concerns data sheet to be maintained in the file for the purpose of tracking each individual concern;
  - enter any pertinent updates of information into the Allegation Management System within 10 days of the action, including estimated completion dates for actions, which should be modified as necessary to reflect the most current estimates. For allegations received as of January 1, 1994, each separate technical and/or wrongdoing concern shall be documented and tracked in the relevant allegation file. The SAC shall also maintain current an additional inventory list of all contained documents beyond those prescribed on the Control Form;
  - maintain the allegation files (allegation files and documents that could reveal the identity of an alleged or confidential source should be marked "WARNING - Contains Allegation Information," and must not be reproduced without the authorization of the SAC, the Director, OI, or regional administrator. Drafts of all staff-generated information or documents related to allegations should be destroyed when the document is finalized).



- B. The SAC shall send the alleged, if not anonymous, an acknowledgement letter within 30 days of receipt of an allegation, using the format in Appendix 7.0. Normally, the letter shall be prepared by the SAC, AC or Allegation Assistant, concurred in by the responsible project branch chief, and signed by the SAC. In special circumstances, the Allegation Panel chairman may decide to assign preparation and/or issuance of the acknowledgement letter to the responsible project branch. In all cases, the SAC shall concur in the acknowledgement letter. The letter summarizes the concerns, requests additional information if needed, provides the NRC identity protection policy and (if needed) the confidentiality policy, provides DOL rights if appropriate, and asks whether the alleged would object to referral of the allegation to the licensee.

### 3. DISPOSITION OF ALLEGATIONS

- A. The SAC shall schedule an allegation panel within 14 days of receipt of the allegation, in order to determine follow-up action. Generally, panels will be held at a set time each week, alternating the weeks between reactor and materials cases. Panels will normally be held in the SAC's office. Adhoc panels are also held, as necessary, when it is felt that an allegation should be discussed at some time before the next regularly scheduled allegation panel. Panel Composition is described in the glossary.
- B. The staff should normally not take follow-up action until after the panel decision has been reached; however, follow-up action may be pursued prior to a panel, if warranted, provided:
  - 1. for situations when an immediate safety concern or ongoing violation exists, the follow-up activity has the concurrence of at least the responsible project Branch Chief (or a person acting in such a capacity); or
  - 2. for less significant matters, the follow-up activity has the concurrence of at least a Deputy Division Director, (the SAC, or AC will be informed and will be provided documentation associated with all follow-up activities concerning the allegation.)
- C. Prior to the panel,
  - 1. the SAC shall provide a sanitized copy of the allegation to all members of the allegation panel, and OI (OI will be provided copies of all allegations, not only those involving potential wrongdoing);
  - 2. The SAC shall schedule a panel to discuss the allegation and provide panel participants the agenda for the panel;
  - 3. the responsible branch shall complete a draft Allegation Disposition Record proposing a course of action for resolving the allegation, and provide copies of the proposed disposition to the members of the allegation panel. The follow-up actions listed on the Allegation Panel Decision Form should be specific, should list the section(s) responsible for the follow-up action, and should provide estimated completion dates. One of the listed actions should always be the sending



of an acknowledgement letter to the alleged, except in cases where the allegation is anonymous. The responsible branch should create an electronic version of the proposed Allegation Disposition Record and place it on a disk. The disk should be brought to the panel so that the draft panel decision form can be projected on the overhead computer screen in the SAC's office.

D. During the panel,

1. the panel shall adopt, or modify as needed, the proposed course of action developed by the responsible branch for dispositioning the allegation, and establish appropriate milestones (i.e., estimated completion dates). The Allegation Assistant shall make any modifications to the Allegation Disposition Record as decided by the panel, obtain the concurrence of the Panel Chairman, and promptly copy and distribute the form to the panel members and other interested parties, and place the original copy in the allegation file.
2. in determining appropriate follow-up of allegations, the panel should focus not only on the particular allegation but on the overall area of concern, including the potential for generic implications and wrongdoing.
3. the panel shall consider the factors contained in Management Directive 8.8 and this instruction prior to making the decision to refer an allegation to the licensee.
4. the panel shall affirm confidentiality if it was initially granted to the alleged, discuss the reasons why granting of confidentiality is appropriate, and assure that the alleged is provided appropriate documentation for signature (See Appendix 4.0 for preparation of a Confidentiality Agreement). The SAC will prepare a memorandum to the file documenting why confidentiality was granted, and the Regional Administrator shall be informed.

E. Following the panel,

1. The SAC, AC, or AA shall enter planned actions and estimated completion dates and other follow-up information in the NRC's AMS.

F. Additional panels may subsequently be needed after the initial panel, such as after OI has conducted its initial interview of an alleged. About every four months, allegations over six months old (except those involving ongoing OI and DOL cases) should be reevaluated by an allegation panel for future actions.

G. Subsequent information pertaining to an allegation (such as letters to allegeders prepared by the SAC, letters of referral to the licensee prepared by the responsible Division, follow-up inspection reports, evaluation of licensee reports, records of telephone conversations related to the allegation, etc.) will be forwarded to the SAC for the allegation file.

4. INSPECTION OF ALLEGATIONS

- A. A licensee should not be told (even if the licensee asks), without the approval of the regional administrator, that an inspection is based on an allegation, except when deemed necessary during the conduct of inspections requested by workers (10 CFR 19.16(a)) or OI wrongdoing investigations. Inspection-related documents should address relevant issues without acknowledging that the issue was raised in the context of an allegation.
- B. An inspector who, by decision of an Allegation Panel, is assigned the responsibility to inspect an allegation concern should review the allegation file as part of their preparation for allegation follow-up, to ensure a thorough review of the allegation.
- C. After the inspection, the responsible inspector shall promptly prepare a description of the area(s) inspected and whether the allegation was substantiated or not, as well as the basis for the conclusion, and electronically provide that information to the SAC who will prepare the closeout letter.
- D. The responsible inspector shall ensure that the SAC is listed on the Distribution list for a copy of the inspection report.

5. REFERRAL OF ALLEGATIONS TO A LICENSEE

- A. Region 1 should refer as many allegations as possible to the licensee for action and response unless any of the following factors apply:
  - Information cannot be released in sufficient detail to the licensee without compromising the identity of the alleged or confidential source (unless the alleged has no objection to his or her name being released).
  - The licensee could compromise an investigation or inspection because of knowledge gained from the referral.
  - The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
  - The basis of the allegation is information received from a Federal agency that does not approve of the information being released in a referral.

Even if the above conditions exist, Region 1 shall refer the substance of the allegation to the licensee regardless of any factor if the allegation raises an overriding safety issue, using the guidance in Management Directive 8.8.

- B. In determining whether to refer eligible allegations to a licensee, The Region 1 Allegation Panel shall consider the following:
  - Could the release of information bring harm to the alleged or confidential source?

- Has the alleged or confidential source voiced objections to the release of the allegation to the licensee?
  - What is the licensee's history of allegations against it and past record in dealing with allegations, including the likelihood that the licensee will effectively investigate, document, and resolve the allegation?
  - Has the alleged or confidential source already taken this concern to the licensee with unsatisfactory results? If the answer is "yes," the concern is within NRC's jurisdiction, and the alleged objects to the referral, the concerns should normally not be referred to the licensee.
  - Are resources to investigate available within the region?
- C. Prior to referring an allegation to a licensee, all reasonable efforts should be made to inform alleged or confidential sources of the planned referral. This notification may be given orally and subsequently documented in an acknowledgement letter. If the alleged or confidential source objects to the referral, or does not respond within 30 calendar days, and the NRC has considered the factors described above, a referral can be made despite the alleged's or confidential source's objection or lack of response.
- In all such cases, an attempt will be made to contact the alleged by phone just prior to making the referral.
- D. All referrals to licensees shall be in writing. The responsible branch chief shall prepare the referral letter to the licensee for the signature of the Division Director. The letter shall attach, as an enclosure, a summary of the allegation. The referral letter is not to be placed in the PDR and shall be maintained in the allegation file. (See Appendix 10.0).
- Note: The licensee should not be provided the original or a copy of the allegation since the information, personnel references, writing style, etc. could possibly reveal the identity of the alleged. Further, the licensee should not be provided any internal documents, such as a letter referring an allegation to the region from another office, such as the Office of the Inspector General.
- E. Upon receipt of the licensee's response to a referral, the responsible Branch shall evaluate the response and, if necessary, schedule a follow-up inspection to provide assurance that the licensee's follow-up of the referred allegation was sufficient in scope and depth, and that any safety issues identified during the follow-up review were promptly resolved. In evaluating the licensee's response, the Branch Chief shall consider whether:
- the evaluation was conducted by an individual or organizational entity independent of the organization in which the alleged event took place;
  - the evaluator was competent in the specific functional area in which the alleged event occurred;

- the evaluation was of adequate depth to establish the scope of the problem;
  - the scope of the evaluation was sufficient to establish that the alleged event or problem was not a systematic defect;
  - the evaluation considered, for those allegations that were substantiated, the root cause and generic implications of the allegation;
  - the licensee's corrective action was sufficient to prevent, alleviate, or correct deficiencies in both the specific and generic instances, and in the short and long term.
- F. If the licensee's response is found acceptable by the branch, a brief summary of the evaluation findings shall be prepared and electronically forwarded to the SAC for incorporation into the NRC closeout letter to the alleged. If the licensee's response is not acceptable, the allegation remains an open and a panel shall be scheduled to determine the next course of action.

6. INVESTIGATION OF ALLEGATIONS AND STAFF SUSPECTED WRONGDOING

- A. Whenever any member of the Region 1 staff suspects wrongdoing (either based on inspection, conversation with a licensee, review of documents, referral from another office, or via an allegation), that staff member shall immediately contact their supervisor, and they will jointly brief the Division Director, and in all instances, notify the Director, OI:RI, or his designee, of the suspected wrongdoing within one working day of the staff's receipt of the information. This notification to OI may be made via a telephone call, but must be promptly followed by a copy of a completed Allegation Receipt Report, the original of which is to be provided to the SAC who will schedule an Allegation Panel to discuss the wrongdoing matter. OI shall be in attendance at all panels to discuss wrongdoing.
- B. If OI has developed, by the time of the allegation panel, sufficient information regarding the suspected wrongdoing, such as through interviews of the responsible staff, an alleged, and/or others, to determine that OI will open an investigation on the matter, the allegation panel decision form should clearly document, as discussed at the panel, the matters to be investigated by OI, as well as the regulatory need for the investigation (i.e., the regulatory requirements potentially violated), and the priority of the OI investigation, using the guidance in Management Directive Handbook 8.8, Part IV.
- C. If OI has developed, at that allegation panel, sufficient information to determine that OI will not open an investigation on the matter, and the staff agrees that an investigation is not warranted, the Senior Allegation Coordinator shall document on the "Notes" section of the Allegation Panel Decision Form, (1) that the potential wrongdoing matter was discussed between the staff and OI, (2) that OI and the staff determined that the matter did not warrant an OI investigation, and (3) the reasons why an OI investigation is not warranted. An allegation file number will not be assigned in such cases, unless the issue was raised by an alleged.

- D. If OI has not developed, at the time of the allegation panel, sufficient information to determine whether or not an investigation is needed, the SAC shall document on the Allegation Disposition Form the additional actions to be taken by OI or the staff prior to their determining the need for an investigation. Subsequently, a second allegation panel shall be held, to review the additional information obtained and to determine whether an OI investigation will be initiated. The decision at the second allegation panel, as to whether or not an OI investigation will be initiated, shall be documented on the Allegation Disposition Record.
  - E. For all OI reports in which wrongdoing was found, the OI reports will be dispositioned by the enforcement process. The enforcement staff will review and summarize the OI report and provide to pertinent NRC staff. A copy of the synopsis of the report shall be provided to the licensee and the alleged, after DOJ has completed its review, if the report was referred to DOJ.
  - F. For all OI reports in which wrongdoing was not substantiated, the Allegation Panel shall meet and the responsible Branch Chief will send a letter to the licensee and alleged providing the synopsis.
  - G. For all OI cases in which OI returns a potential wrongdoing issue to the staff for lack of resources or low priority, including employee discrimination, the staff shall consider whether other follow-up is needed, such as investigation, referral to the licensee, conduct of a management meeting, or other action. In such cases, the alleged should be informed that the particular circumstances were reviewed, that there are constraints on NRC investigatory resources, and that other cases of higher priority are being pursued (See Appendix 9.0).
  - G. For allegations of violations of the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974 (commonly referred to as "whistleblower allegations"), the staff shall follow the guidance in Part I of Management Directive 8.8 and Section 7.7 of the NRC Enforcement Manual.
7. REFERRAL OF ALLEGATIONS TO STATES, INCLUDING AGREEMENT STATES & OTHER GOVERNMENT AGENCIES
- A. If the allegation is within the jurisdiction of another state or federal agency (such as an Agreement State; DOE, EPA, etc.), the issue shall be referred to the appropriate Agency by the State Liaison Officer (SLO). Allegations against an Agreement State licensee shall be referred to the appropriate state by the State Agreement Officer (SAO), with a copy to the Director, OI if wrongdoing is suspected.
  - B. If the alleged is a confidential source, specific authorization must be obtained from the EDO or designee, even if the source does not object to the release, or from the Commission if the source does object.
  - C. Under no circumstances shall a Region I employee release the name, address, telephone number, or other potentially identifying information about an alleged to any individual outside the NRC, including personnel of other federal or state agencies, without the authorization of the Regional Administrator, or the Acting Regional Administrator in his absence.



- D. With respect to Agreement State referrals, before the SAO refers an allegation to an Agreement State, the SAC shall make all reasonable efforts to inform the alleged or confidential source of the referral. This notification may be given orally and subsequently documented in an acknowledgement letter. If the alleged or confidential source cannot be reached by telephone, a letter can be used to inform the alleged or confidential source of the NRC's intent to refer his or her concerns to the Agreement State.
1. If the alleged or confidential source agrees to disclosing his or her identity to the Agreement State, the allegation may be closed subsequent to sending a combined acknowledgement and closure letter to the alleged or confidential source and the referral letter to the Agreement State. The letter to the alleged or confidential source must include the name of an individual to contact in the responsible Agreement State organization.
  2. If the alleged or confidential source does not want his or her identity disclosed to the Agreement State or cannot be reached, the allegation will be referred without the name of the alleged. The referral will be made in a manner that protects the identity of the alleged or confidential source, including rewriting the allegation, and will request that the Agreement State provide a response to the regional contact (e.g., OAC or RSAO). The regional contact will coordinate correspondence with the Agreement State. The alleged or confidential source should be informed that the NRC will inform them of the Agreement State's final disposition. After the NRC transmits the Agreement State's response to the alleged or confidential source, the allegation will be closed.
  3. If an allegation is referred without the identity and the Agreement State requests the name of the alleged or confidential source, the staff shall follow the guidance in Management Directive 8.8 (Section (A) (1) for allegeders and Part III (E) for confidential sources).
- E. Concerns related to NRC or Agreement State licensees that fall within the purview of other Federal agencies, such as the Food and Drug Administration, Environmental Protection Agency (EPA), OSHA, or the military, will be forwarded to the appropriate Federal agencies by the RSLO or SAC. If the concern also applies to an Agreement State, the RSLO will transmit the allegation to the Agreement State within whose jurisdiction the licensee resides. Referrals will be made in a manner that protects the identity of the alleged or confidential source, including rewriting the allegation. Notification of the referral should be provided to the alleged or confidential source who also should be informed that he or she may directly contact any Federal agency that has been sent a transmittal of the allegation. The notification letter must provide the name of an individual in the responsible Agreement State organization.
- F. Allegations of possible wrongdoing by Agreement State officials should be referred to the Director, Office of State Programs by the SAO, for appropriate handling to be determined on a case-by-case basis.

- G. Concerns submitted to NRC within the purview of the OSHA are to be handled in accordance with the NRC Inspection Manual, Chapter 1007, "Interfacing Activities Between Regional Offices of NRC and OSHA," and office or regional procedures. Referrals of these concerns to the licensee and OSHA should be made by the resident inspectors or RI OSHA Coordinator, in a manner that protects the identity of the alleged or confidential source, including rewriting the concerns. The alleged or confidential source should be informed of the limitations on the protection of his or her identity (See Sections (A)(1) and (2) of this part). If OSHA requests the name of the alleged or confidential source and the alleged or confidential source refuses, follow the guidance in Management Directive 8.8, Part I, Section (A)(1) for alleged and Part III (E) for confidential sources.
9. **UPDATE OF ALLEGERS**
- A. During prolonged allegation disposition, the alleged(s) will be kept informed of the region's follow-up activities, via an update letter at a frequency not less than once every six months. The SAC shall prepare and sign the update letters, and the responsible Branch Chief shall concur.
- B. About every four months, allegations over six months old (except those involving ongoing OI and DOL cases) should be reevaluated by an allegation panel for future action, and the alleged shall be informed in an update letter of any revised plan of action.
10. **CLOSURE OF ALLEGATIONS**
- A. Once the allegation follow-up is complete, the follow-up actions will be documented, as will any contact with the alleged (including face-to-face discussions where the alleged expresses an opinion relative to the region's actions). Those documents that are used to document NRC resolution of an allegation and that are publicly available (e.g. inspection reports, transmittal letters, civil penalties, press releases, etc.) should not include unnecessary characterizations about the alleged or the circumstances associated with NRC receipt of the allegation, such as date, time, place, or mode of communications of allegation, or even the fact that the information was received from an alleged.
- B. When follow-up of an allegation is completed (such as completion of a followup inspection, or completion of evaluation of a licensee's response to a referral, technical input for the closeout letter (See Appendix 9.0) will be prepared by the responsible branch and electronically provided to the SAC who will prepare the closeout letter. The input to the SAC shall describe what was down to followup up the allegation, whether the allegation was substantiated or not, and the basis for that determination. The letter should be sent to the alleged if a home address is known and the alleged has not specified otherwise. The closeout letter should include a summary of the concerns, a description of the evaluation performed, and the conclusions drawn. If the allegation is anonymous, a closeout letter to the file shall be prepared, through the SAC.



- C. Closure letters to allegeders containing inspection reports that resolve allegations, or licensee responses for allegation referred to them, should indicate specifically where the report addresses the allegation.
- D. Allegations against Agreement State licensees may be closed after the letter to the Agreement State program official has been sent, provided that the allegeder did not object to providing of the allegeder's identity to the state. If the allegeder objects to the NRC providing their identity to the state, the NRC will inform the allegeder of the Agreement State's final disposition. The Agreement State's response shall be transmitted to the allegeder or confidential source, and the allegation will be closed.
- E. After the allegation is resolved, the closeout letter to the allegeder will be placed in the allegation file but not in the PDR, LPDR, docket file, or DCS, or be sent to the licensee.
- F. While staff may maintain a working allegation file, it shall not contain any allegeder-identifying information. Once the allegation is closed, any working file of the allegation shall be destroyed or provided to the SAC. The SAC and Branch Chief shall review the official record file to ensure that it is complete, and shall document this review by "signing off" on the Allegation File Document Control Form completed by the SAC, prior to officially closing the allegation. Branch Chief review and signoff of the Control Form may be performed when the Branch Chief concurs on the closeout letter or memorandum provided all other related allegation documentation is already in the file.

**11. ALLEGATIONS OF IMPROPER CONDUCT BY NRC STAFF**

- A. If the allegation involves only alleged improper actions by NRC staff, the SAC, or any other staff member receiving the allegation, shall inform the Deputy Regional Administrator (DRA) of the allegation in accordance with Regional Instruction 1230.1 entitled "Handling of Allegations of Improper Actions by NRC Staff". (However, as noted in that instruction, nothing shall prohibit the recipient of the allegation from contacting the OIG directly.) The DRA shall issue a memorandum referring the issue to the Office of Inspector General (OIG) for the concurrence and issuance of the DRA. The SAC will provide the original allegation and any other pertinent information to the DRA for enclosure with the OIG referral. The DRA will maintain the file of the referral, with the attachment, when sent to the OIG. Allegations that exclusively allege improper actions by NRC staff will not be entered into the Allegation Management System (AMS).
- B. If the allegation involves specific licensee related allegations, as well as allegations regarding improper actions by NRC staff performance,
  - 1. the SAC will, (1) make a copy of the allegation document(s) (i.e., the letters, Allegation Receipt Reports, etc. that comprise the allegation); (2) sanitize the copy for any OIG related issues; and (3) indicate on the copy that the missing information involves issues of improper actions by NRC staff that are being referred to the OIG by the DRA. The SAC will

then place the sanitized copy of the allegation documents in the allegation file, after making a second copy that is further sanitized of the alleged's name and other personal identifiers (as is the standard practice) for forwarding to panel members for evaluation of the technical allegations.

2. The DRA shall issue a memorandum referring the issue(s) to OIG. After the OIG referral is sent, the DRA will notify the SAC so that it may be noted in the allegation file that an OIG referral was made; however, the allegation file will not contain the specifics of the OIG issue.
3. The OIG matters will not be discussed at the allegation panel; only the technical issues are to be discussed. Further, the SAC shall not enter the specific OIG matters into AMS, but only will enter the specific technical concerns, as well as a statement that the other issues involved concerns regarding improper actions by NRC staff that have been referred to the OIG.
4. The SAC will include, in the acknowledgement letter to the alleged, only the specific technical concerns. Specific concerns regarding improper actions by NRC staff will not be articulated in the acknowledgement letter. Rather, the SAC will, for those issues, simply state that those matters have been referred to the OIG, and the alleged should contact the OIG at 1-800-233-3497 if he/she has any questions or other comments regarding those matters.

## 12. MISCELLANEOUS

- A. The SAC is responsible for providing the annual refresher training to all Region I staff.
- B. The SAC, as well as all Branch Chiefs and above, are delegated the authority to initially grant confidentiality in accordance with the criteria delineated in Management Directive 8.8, and, its Handbook, Part IV, and when granted, the circumstances surrounding the granting must be documented in a memorandum to the Allegation File through the SAC, and shall also be documented at the allegation panel meeting. Confidentiality may be granted orally, such as via the telephone, pending the signing of a confidentiality agreement. The Regional Administrator shall be informed of each instance where confidentiality is granted. The Regional Administrator may withdraw confidentiality if the alleged makes a written request and if the Regional Administrator confirms that the requesting individual is the same person who was granted confidentiality. Only the Executive Director for Operations or the Commission may revoke confidentiality in those situations where the alleged does not request withdrawal of confidentiality.
- D. While staff may remove allegation files from the office of the Senior Allegation Coordinator to perform necessary reviews and prepare related documentation, in no case shall an allegation file be removed from the Region I Office. In addition, the file shall be returned to the allegation office at the end of the day.

- E. The Allegation Assistant will mail all letters to allegeders, Certified Mail - Return Receipt Requested, and, in order to avoid any indications of a letter coming from the NRC, the return address on the envelope shall be the SACs post office box.

APPENDIX 2.0

RESPONSIBILITIES

A. Allegation Panel

Meet every two weeks (alternating weeks for reactors and materials), or on an ad hoc basis, if warranted, for a specific case. The purpose of the panel is to identify the scope of the allegation; review, and affirm or modify the Branch Chief's proposed plan for resolving the allegation; and affirm any initial granting of confidentiality, after considering the factors set forth in Management Directive 8.8.

NOTE: The Chairman of the Panel is responsible for

- interpreting information and determining if such information is an allegation.
- considering the safety significance of the allegation
- considering the potential for allegations being generic
- assigning allegations to for appropriate follow-up action, and providing appropriate guidance and direction;
- assuring timely and accurate information on allegations, including Agreement State allegations, is maintained and made available to cognizant staff;
- discussing alleged wrongdoing with OI, and determining the priority of any ensuing investigation,
- screening H&I complaints at various stages of the DOL process to determine if a basis for continued investigation exists.
- reviewing, and approving for implementation, the final Allegation Disposition Record after the panel.
- following the guidance in this instruction and in the Management Directive 8.8 in determining whether to refer allegations to a licensee.
- corresponding with a licensee when requesting follow-up action by a licensee with regard to alleged safety concerns.
- determining whether the allegation involves a licensing issue warranting referral to NRR or NMSS or if it involves matters requiring referral to another NRC office or federal agency, and in consultation with the Regional Administrator, determines what notifications outside of the region are appropriate including licensing boards.
- Reevaluating allegations over six months old (except those involving ongoing OI and DOL cases) about every four months for future action.

B. Responsible Project Branch Chief, or Designee

Takes the technical lead in resolving allegations for assigned facilities/ licensees.

Documents allegations on the Allegation Receipt Report for allegations received, and provides the completed report (with any backup information) to the SAC;

Prepares a proposed Allegation Disposition Record as a plan of action for resolving the allegation for consideration by the allegation panel, and distributes it to panel members prior to the panel.

Assures matters are resolved in the manner determined by the allegation panel, and is the point of contact for specialist inspectors, investigators, etc., for the closeout of allegations (no allegations are closed without the Branch Chief's approval regardless of the subject matter).

Prepares official documentation of events, actions, modifications, and resolutions of all allegations and provides copies to the SAC.

Prepares, for the Division Director's signature, letters to licensees regarding allegations, including letters referring allegations, "chilling effect letters" based on a DOL finding, and letters transmitting OI synopses.

Ensures that licensee follow-up actions in response to allegations are appropriately evaluated.

Provides technical input to SAC (electronically) for preparing closure letter to allegor and closing memorandum to file.

If maintaining a working file of actions and correspondence during the disposition of the allegation, maintains only appropriately sanitized documents to protect the allegors identity, and either destroys or forwards the file to the SAC upon allegation closeout;

Upon closeout of the allegation, reviews the official record file maintained by the SAC for completeness and accuracy and "signs off" the Allegation File Document Control Form completed by the SAC and maintained on the inside cover of the file; this review and "signoff" may occur at the time the Branch Chief concurs in the closeout letter or memorandum, provided all other necessary documentation is contained within the file.

For power reactors, during the period from 30 days prior to the construction completion date until the Commission meeting on full-power authorization, telephonically notifies the NRR Project Manager, within two working days of its receipt of any allegation, and identifies the Action Office.

C. Senior Allegation Coordinator (SAC)

Serves as a focal point for the coordination and control of all allegations received by Region I.

Completes an Allegation Receipt Report for all allegations directly received in the allegation office, either via the telephone, in person, through the mail, in newspapers, etc.

Assures an Allegation Receipt Report is received for all allegations received by other staff members.

Assigns an Allegation Management System (AMS) number to each new allegation, and opens an allegation file of documentation.

Provides a copy of allegations to all panel members, after first removing the name, address and phone number from the copy;

Provides to OI, within one working day, for their review, all allegations (complete with alleged's identifying information);

Schedules Allegation Panel Meetings and provides agenda to staff;

Prepares and issues acknowledgement, update and closure letters to allegeders. (NOTE: Prior to issuance, obtains the concurrence of the responsible project Branch Chief).

Prepares letters referring allegations to other NRC offices.

Documents the modified Allegation Disposition Record at the Allegation Panel. Ensures specificity and adherence to Management Directive 8.8, obtains panel Chairman concurrence, and provides copies to all Panel Members, OI, and other Division Directors if follow-up actions are within their divisions.

Assists the responsible Divisions, as needed, in the preparation of letters to licensees (such as letters referring an allegation, "chilling effect" letters, etc.), and OI referrals, when needed.

Whenever confidentiality is granted, prepares a memorandum to the file documenting why confidentiality was granted, and attaches the memorandum to the Allegation Receipt Report;

Tracks allegations from initial receipt to final resolution, including maintaining an Allegation File Document Control Form (see Appendix 2.1) in the file. For allegations received as of January 1, 1994, each separate technical and/or wrongdoing concern is to be tracked in the allegation file;

Establishes and maintains the official record files that clearly identify allegations received by the Region in accordance with Management Directive 8.8.

Maintains the Allegation Management System (AMS) in a current status and timely, entering information within 10 days, and incorporates all appropriate information, such as the name of licensee, the names of any related licensees or vendors, etc., and provides accurate and timely information from the AMS to Region I management;



Ensures that all documentation concerning an allegation is received from the Branch Chief and/or other staff, and is placed in the file; completes the Allegation File Document Control Form (Appendix 2.1) when the allegation is closed; and ensures the AOC has reviewed the completed file and signs off on the Allegation File Document Control Form before closing the allegation in the AMS;

Prepares, for distribution, the Region I Monthly Status Tracking Report within the first 10 days following the end of a month;

When appropriate, based on an allegation panel decision, forwards a copy of the allegation to the responsible licensing office (NMSS or NRR), or another region, for allegations within their purview, such as forwarding allegations against vendors to NRR;

Prepares periodic allegation program reviews;

Provides training to the Region I staff concerning the process of handling allegations;

Prepares referrals, as appropriate, to the Office of Inspector General, in accordance with Regional Instruction 1230.1, when applicable allegations are received.

Requests OI presence at the Panel Meeting, when appropriate. (OI must be a part of any Allegation Panel involving potential wrongdoing.)

D. State Agreements Officer

Refers allegation involving Agreement States to the affected state.

E. State Liaison Officer

Refers allegations with jurisdiction of state or other government agencies to the appropriate agency.

F. Other Regional Staff

Are familiar with the allegation process, and when taking allegations, follows the process described herein.

Completes an Allegation Receipt Report for all allegations received by the individual, either via the telephone, in person, through the mail, in newspapers, etc, and provides to SAC;

Completes its actions, as assigned by the allegation panel, in a timely manner.

Reviews the allegation file prior to conducting an assigned inspection to follow-up on an allegation. Prepares closeout documentation after completion of the inspection.



G. Division Directors/Deputy Division Directors

- Act as the Allegation Panel chairman, and perform the duties of that position.
- For the Technical Division Director with project responsibility (Division of Reactor Projects and Division of Nuclear Materials Safety), assure their staff's compliance with all aspects of this Regional Instruction and NRC Management Directive 8.8.

H. Director, Division of Resource Management

- Periodically audits (approximately once a year), the files of the SAC to assure compliance with the record keeping requirements of this instruction and NRC Management Directive 8.8, and informs the responsible Project Division Director and the Deputy Regional Administrator of the audit results. Audits should include review of issues raised in prior Regional and Headquarters audits.

APPENDIX 3.0

INTERVIEWING TECHNIQUES

OBJECTIVE

To gather sufficient information whereby another party can verify the facts and circumstances without recourse to the originator.

ESTABLISH RAPPORT

1. Introduce yourself; shake hands.
2. Be a good listener; ask questions; avoid answering questions if possible; gather information.
3. Be professional (you are someone's image of the NRC).
4. Recognize that allagers often seek/need recognition.
5. Summarize and repeat back the concerns at the end of the interview.

OBTAIN GENERAL INFORMATION

1. Individual's name, home address, and home telephone number
2. Individual's employer, job/title, facility (Unit I, II?)
3. Date, time, (beginning-end)

WHAT IS THE CONCERN?

1. Discuss one issue at a time; define the problem so it can be solved.
2. Ask questions that lead back to the issue,
3. Ask for specifics

WHERE IS IT LOCATED?

1. Building, elevation, room, etc.
2. Ask the individual to take you to the location if possible.
3. Record location as accurately as possible in order for someone else to be able to verify.

WHAT IS THE REQUIREMENT/VIOLATION?

1. Does the individual know the requirement and what is being violated?
2. Is it a "would be better if," concern or a "that's the way they did it at another plant" concern. Is it an opinion?
3. Some are precise; others are confused or have no idea.

WHEN DID IT OCCUR?

1. Ask for specific dates and times concern existed
2. Specific time frames can provide the circumstances and facts surrounding the issue.

WHO IS INVOLVED/WITNESSED?

1. Other individuals lend credibility to information.
2. This is a key question when dealing with confidentiality.

WHO HAVE YOU NOTIFIED IN YOUR MANAGEMENT?

1. Chain of command concept
2. Open door policy
3. How far up the management chain has it gone?

HOW/WHY DID IT OCCUR?

1. Here is where the individual interpreted events.
2. This question can indicate wrongdoing, falsification, harassment/intimidation, etc.
3. Sequence of events/process.
4. Often it's not what happened that is a problem but how it happened and how it was done, that is a problem.
5. What is the allegeder's interpretation of the cause of the problem.

WHAT EVIDENCE CAN BE EXAMINED?

1. This question should be viewed as if you had no follow-up on this matter.
2. Most of the time the inspector receiving the information is not going to perform follow-up; so be considerate to your fellow inspector and gather information.
3. The more information you gather, the easier the follow-up will be, i.e., drawings, procedures, codes, FSAR, etc.
4. We need objective evidence.

WHAT IS THE STATUS?

1. Sometimes individuals just want you to know that they have filed a concern.
2. Advise the individual if he/she is not satisfied with the results to contact the Region I SAC.

OF WHAT IS THIS AN ISSUE?

In your own mind differentiate types of issues during the conversation.

RESPONSIBILITIES

1. You must provide identity protection policy.
2. You must speak with an individual expressing a concern.
3. You must document the interview on an Allegation Report.
4. You must make a determination of an immediate threat to the health and safety of the public.
5. You must contact the Region I SAC and your supervisor.
6. You must act in a professional manner.
7. You must not compromise a potential OI investigation. Only pursue the technical issues. If you suspect a potential OI issue, contact your supervisor and Region I SAC.
8. You must advise allegeders of the 180 day reporting requirements for filing a complaint with DOL when harassment/intimidation/discrimination concerns are expressed.
9. You must not reveal the identity of the allegeder.
10. Do not agree to meet with allegeders off site; call your supervisor and Region I SAC for guidance.
11. You should contact Region I SAC and your supervisor prior to performing follow-up actions to develop strategies and protect the identity of allegeder.

CONTACTS WITH AN ALLEGER AND IDENTITY PROTECTION

1. Ask for name, address and home phone number, and take the allegeder's specific concerns.
2. After taking the concerns (or beforehand if the individual raises related questions), inform the allegeder of the following NRC policy.
  - a. In resolving technical issues, the NRC, in protecting your identity, intends to take all reasonable efforts to not disclose your identity to any organization, individual outside the NRC, or the public unless:
    - (1) you have clearly indicated no objection to being identified,
    - (2) disclosure is necessary to ensure public health and safety because of an overriding safety issue,
    - (3) disclosure is necessary pursuant to an order of a court or NRC adjudicatory authority or to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, or
    - (4) disclosure is necessary in furtherance of a wrongdoing investigation, including an investigation of harassment and intimidation (H&I) allegations,
    - (5) disclosure is necessary to support a hearing on an enforcement matter,
    - (6) you have taken actions that are inconsistent with and override the purpose of protecting your identity.
  - b. Your identity could be disclosed for the reasons given in items (2), through (6) above.
  - c. You are not considered a confidential source unless confidentiality has been formally granted in writing.
  - d. Information provided by the NRC in response to a FOIA request will, to the extent consistent with the FOIA, be purged of your name and other potential identifiers.
3. If the allegeder fails to provide the information but first seeks confidentiality, tell the allegeder that the NRC will contact him/her regarding the request since only Section Chiefs or above (and the Senior Allegation Coordinator) are authorized to grant confidentiality verbally and have it authorized by a panel. If the allegation involves potential H&I, inform the allegeder that the NRC normally will not investigate H&I cases from a confidential source because this type of case cannot be investigated if your name is kept confidential.
4. Feedback the concerns to the allegeder to ensure that they have been appropriately captured.
5. Promptly inform supervision/management if any immediate safety concerns exist.
6. Record information on an Allegation Receipt Report and promptly provide the Allegation Receipt Report to the SAC.

## APPENDIX 4.0

## Identity Protection Policy

1. A fundamental premise supporting the information gathering process is a determination to maintain NRC's ability to protect the identity of individuals providing the information. The purpose of the principle of identity protection is to ensure that no one will refrain from reporting information because the NRC does not offer a suitable measure of protection to those individuals who provide such information. The responsibility to protect the identity of individuals providing information from retaliatory action by their employers and coworkers begins with the initial contact between the individual and NRC.

While Section 211 of the Energy Reorganization Act and 10 CFR 50.7 and 10 CFR 30.7 makes it unlawful for employers to take retaliatory actions against employees reporting information to the NRC and provides the means for the employees to obtain legal remedies, the legal process can be very lengthy and costly, and employees may still be reluctant to provide information for fear of being out of work for an extended period of time while going through the legal process.

2. The alleged shall be informed that the NRC protects the identity of individuals who provide information to the NRC and this protection includes not revealing the identity to their employer. The information provided in Appendix 1.1.1, Contacts with Allegers, should be provided to the alleged during any telephone call or visit, and also in the acknowledgement letter. As necessary, the individual may also be advised that the NRC does not provide physical protection to an individual who provides information to the NRC (this is a matter for local law enforcement officials).

An individual should be advised that if he or she feels that he or she has been discriminated against by their employer for contacting the NRC or reporting information to the NRC, or for reporting information to their employer, the individual has 180 days from the date of the discriminatory act to report the matter to the Wage and Hour Division of the Department of Labor under provisions of Section 211(b) of the Energy Reorganization Act.

3. Within Region I, the identity of any individual making allegations, expressing concerns, or registering complaints shall be treated as "OFFICIAL USE ONLY" information. Their names shall not appear in any report (except as noted above regarding the preparation of Allegation Receipt Reports or related memorandum) or any internal memorandum or other document placed in normal mail distribution, nor will it be divulged to any NRC employee or outside individual who does not have a "need-to-know" the information. The policy is intended to reinforce the regional emphasis on the responsibilities associated with protecting the identity of individuals who provide information to NRC. Any breakdown in the system which results in the unauthorized disclosure of the identity of an alleged shall be immediately brought to the attention of the Enforcement Officer.

In no case will the identity of such an individual be made known to a licensee employee without the specific approval of the Regional Administrator. If the licensee surmises the identity of the individual and requests a Region I staff member to confirm that assumption, the Region I staff member will respond that they can neither confirm nor deny the assertion. The Region I staff member shall offer no additional comment on the matter.



4. Confidentiality is a means by which the NRC protects and withholds from disclosure the identity of an individual who provides adverse and/or incriminating information to the NRC. It is NRC policy not to divulge to others the identity of an individual who was granted confidentiality, either during or subsequent to an inquiry based on the information provided to NRC. Within Region I, confidentiality is considered so important that a "need-to-know" rule will be vigorously implemented and followed by all Region I personnel dealing with any aspect of confidentiality. In addition:
  - a. The Regional Administrator is the regional authority for granting confidentiality and this authority has been redelegated to designated Region I staff members, namely all Branch Chiefs and above, and the SAC.
  - b. Region I staff members authorized to grant confidentiality must be thoroughly familiar with the NRC "Procedure for Handling Confidentiality" as set forth in Manual Chapter 0517, Appendix 0517, Section II.
  - c. Inspectors or other Region I staff members involved with an alleged who requests confidentiality should contact the AOC or SAC for the grant of confidentiality.
  - d. Confidentiality may be granted orally pending the signing of a confidentiality agreement by the alleged, and that agreement is signed by an authorized Region I representative.
  - e. In those cases where an alleged requests confidentiality during a telephone conversation, an oral grant of confidentiality may be given by an authorized Region I representative; however, the SAC should be immediately notified, who will make arrangements to mail the alleged a confidentiality agreement.
  - f. The alleged must be advised that he/she has 15 days from receipt of the confidentiality agreement to sign it and return it to the SAC. A copy of the Confidentiality Agreement is attached to this Appendix.
  - g. One point regarding promises of confidentiality should be clearly understood by all Region I staff members and explained to the individual providing information, if appropriate. A pledge of confidentiality shall not be made (or may not be honored if previously granted) if the individual provides information indicating that he intends to or has personally committed, or participated in criminal acts that may include a deliberate (knowing and willful) violation of NRC requirements. In cases such as this, the Regional Counsel should be contacted for advice and guidance. Caution should also be exercised in this particular area as there is the possibility the individual could infer he was granted immunity. Other factors to be considered in deciding whether to grant confidentiality are set forth in NRC Management Directive 8.8.
  - h. NRC staff must make their best effort to assure that communications and contacts with individuals who have been granted confidentiality do not result in the disclosure of the individual as a confidential source. Such efforts may include the use of nongovernment return addresses, plain envelopes, and rental cars as opposed to government-owned vehicles.

5. There are instances when an alleged will not provide his/her identity and will remain anonymous even after identity protection and confidentiality have been explained. The following points should be explained if an anonymous alleged will not reveal his/her identity:

- The Region I staff member taking the call may not have the technical expertise to evaluate the information provided to determine if it is sufficient to permit adequate follow-up or if it is within the regulatory jurisdiction of the NRC; therefore, it may be necessary to contact the individual for additional information at a later date.
- It is the Region I policy to keep the alleged informed as to the final resolution of an allegation within the jurisdiction of the NRC. In cases where an allegation is not within the regulatory jurisdiction of the NRC, it is Region I policy to notify the individual of the responsible agency that the matter has been referred to.

After the above points have been explained to the alleged and the alleged persists in not revealing their identity, the recipient of the allegation should document the allegation in as much detail as possible, and advise the individual to contact the Senior Allegation Coordinator collect at 1-800-695-7403 as soon as possible to provide any additional information that may be necessary for the appropriate resolution of this matter.

CONFIDENTIALITY AGREEMENT

I have information that I wish to provide in confidence to the U.S. Nuclear Regulatory Commission (NRC). I request an express pledge of confidentiality as a condition for providing this information to the NRC.

It is my understanding that consistent with its legal obligations, the NRC, by agreeing to this confidentiality, will adhere to the conditions stated herein.

During the course of an inquiry or investigation, the NRC will make its best effort to avoid actions that would clearly be expected to result in disclosure of my identity.

My identity will be divulged outside the NRC only in the following narrow situations:

(1) When disclosure is necessary because of an overriding safety issue and I agree to this disclosure. If I cannot be reached to obtain my approval or do not agree to disclosure, the NRC staff will contact the Commission for resolution.

(2) When a court orders such disclosure.

(3) When required in NRC adjudicatory proceedings by order of the Commission itself.

(4) In response to a written Congressional request. While such a request will be handled on a case-by-case basis, the request must be in writing and the NRC will make its best efforts to limit the disclosure to the extent possible.

(5) When requested by a Federal or State agency in furtherance of its statutory responsibilities and the agency agrees to abide by the terms of this confidentiality agreement, and I agree to the release. If I do not agree to the release, my identity may be provided to another agency only in an extraordinary case where the Commission itself finds that furtherance of the public interest requires such release.

(6) When the Office of Investigations (OI) and the Department of Justice (DOJ) are pursuing an investigation or when OI is working with another law enforcement agency, my identity may be disclosed to DOJ or the other law enforcement agency without my knowledge or consent.

(7) When required to support a hearing on an NRC enforcement matter.

My identity will be withheld from NRC staff, except on a need-to-know basis. Consequently, I acknowledge that if I have further contacts with NRC personnel, I cannot expect that those people will be cognizant of this confidentiality agreement, and it will be my responsibility to bring that point to their attention if I desire similar treatment for the information provided to them.

I also understand that the NRC will revoke my grant of confidentiality if I take, or have taken, any action so inconsistent with the grant of confidentiality that the action overrides the purpose behind the confidentiality, such as (1) disclosing publicly information that reveals my status as a confidential source or (2) intentionally providing false information to the NRC. The NRC will attempt to notify me of its intent to revoke confidentiality and provide me an opportunity to explain why this action should not be taken.

Other Conditions: (if any)

I have read and fully understand the contents of this agreement. I agree with its provisions.

Date            Name  
                 Address

Agreed to on behalf of the U.S. Nuclear Regulatory Commission.

Date            Signature  
Name  
Title

## APPENDIX 5.0

**Allegation Receipt Report** Page 1 of \_\_\_\_  
 (Use also for staff suspected wrongdoing)

Date/Time

Received: \* \_\_\_\_\_ Allegation No. \_\_\_\_\_ (leave blank)

Employee Receiving Allegation or suspecting wrongdoing  
(first two initials and last name): \_\_\_\_\_

Alleger Name: \* \_\_\_\_\_ Home Address: \* \_\_\_\_\_

Home Phone: \* \_\_\_\_\_ City/State/Zip: \* \_\_\_\_\_

Alleger's Employer: \* \_\_\_\_\_ Alleger's Position/Title: \* \_\_\_\_\_

Facility: \_\_\_\_\_ Docket or Mtls. License No.: \_\_\_\_\_

Was alleger informed of NRC identity protection policy? Yes \_\_\_\_ No \_\_\_\_

If H&amp;I was alleged, was alleger informed of DOL rights? Yes \_\_\_\_ No \_\_\_\_

If a licensee employee or contractor,  
did they raise the issue to their management? Yes \_\_\_\_ No \_\_\_\_

Does the alleger object to referral of issues to the licensee? Yes \_\_\_\_ No \_\_\_\_

Provide alleger's direct response to this question verbatim on the line below:

Was confidentiality requested? Yes \_\_\_\_ No \_\_\_\_

Was confidentiality initially granted? Yes \_\_\_\_ No \_\_\_\_

Individual Granting Confidentiality: \_\_\_\_\_

**Criteria for determining whether the issue is an allegation:**

Is it a declaration, statement, or assertion of impropriety or inadequacy? Yes / No

Is the impropriety or inadequacy associated with NRC regulated activities? Yes / No

Is the validity of the issue unknown? Yes / No

If No to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information or an OSHA referral).

**Allegation Summary or staff suspected wrongdoing:** (Recipient of the allegation shall summarize each concern here - provide additional detail on reverse side of form, if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number of Concerns: \_\_\_\_\_

Type of Regulated Activity (a) \_\_\_\_ Reactor (d) \_\_\_\_ Safeguards  
 (b) \_\_\_\_ Vendor (e) \_\_\_\_ Other: \_\_\_\_\_  
 (c) \_\_\_\_ Materials (Specify)

Functional Area(s): (a) Operations (e) Emergency Preparedness  
 (b) Construction (f) Onsite Health and Safety  
 (c) Safeguards (g) Offsite Health and Safety  
 (d) Transportation (h) Other: \_\_\_\_\_

\* Do not complete these sections for issues of staff suspected wrongdoing.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



## APPENDIX 6.0

## ALLEGATION DISPOSITION RECORD

Rev. 10/01/96

Allegation No.: RI-\_\_\_\_-A-\_\_\_\_ Branch Chief (AOC): \_\_\_\_\_

Site: \_\_\_\_\_ Acknowledged: Yes No N/A

Panel Date: \_\_\_\_\_ Confidentiality Granted: Yes No

Issue discussed (if other than original allegation): \_\_\_\_\_

Allegor contacted prior to referral to licensee (if applicable)? \_\_\_\_\_

## ALLEGATION PANEL DECISIONS (Previous Allegation Panels on issue: Yes No)

Attendees: Chair - \_\_\_\_\_ Branch Chief(AOC) - \_\_\_\_\_ SAC - \_\_\_\_\_

OI Rep. - \_\_\_\_\_ RI Counsel - \_\_\_\_\_ Others - \_\_\_\_\_

DISPOSITION ACTIONS: (State actions required for closure (including special concurrences), responsible person, ECD and expected closure documentation)

## 1) Acknowledgement letter (if known allegor)

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

## 2) \_\_\_\_\_

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

## 3) \_\_\_\_\_

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

## 4) \_\_\_\_\_

Responsible Person: \_\_\_\_\_ ECD: \_\_\_\_\_

Closure Documentation: \_\_\_\_\_ Completed: \_\_\_\_\_

Safety Significance Assessment: \_\_\_\_\_

Priority of OI Investigation \_\_\_\_\_

Allegor Contacted prior to referral to licensee? \_\_\_\_\_

NOTES: (Include rationale for any referral to licensee, and identify any potentially generic allegations)

Issue not to be referred to licensee

A. Region 1 should refer as many allegations as possible to the licensee for action and response unless any of the following factors apply:

- Information cannot be released in sufficient detail to the licensee without compromising the identity of the allegor or confidential source (unless the allegor has no objection to his or her name being released).
- The licensee could compromise an investigation or inspection because of knowledge gained from the referral.
- The allegation is made against the licensee's management or those parties who would normally receive and address the allegation.
- The basis of the allegation is information received from a Federal agency that does not approve of the information being released in a referral.

Even if the above conditions exist, Region 1 shall refer the substance of the allegation to the licensee regardless of any factor if the allegation raises an overriding safety issue, using the guidance in Management Directive 8.8.

Factors to Consider Prior to Referral to a Licensee

In determining whether to refer eligible allegations to a licensee, The Region 1 Allegation Panel shall consider the following:

- Could the release of information bring harm to the alleged or confidential source?
- Has the alleged or confidential source voiced objections to the release of the allegation to the licensee?
- What is the licensee's history of allegations against it and past record in dealing with allegations, including the likelihood that the licensee will effectively investigate, document, and resolve the allegation?
- Has the alleged or confidential source already taken this concern to the licensee with unsatisfactory results? If the answer is "yes," the concern is within NRC's jurisdiction, and the alleged objects to the referral, the concerns should normally not be referred to the licensee.
- Are resources to investigate available within the region?

Prior to referring an allegation to a licensee, all reasonable efforts should be made to inform alleged or confidential sources of the planned referral. This notification may be given orally and subsequently documented in an acknowledgement letter. If the alleged or confidential source objects to the referral, or does not respond within 30 calendar days, and the NRC has considered the factors described above, a referral can be made despite the alleged's or confidential source's objection or lack of response. In all such cases, an attempt will be made to contact the alleged by phone just prior to making the referral.

Also, referrals are not to be made if it could compromise the identity of the alleged, or if it could compromise an inspection or investigation. Note: Document the basis for referring allegations to a licensee in those cases where the criteria listed above indicate that it is questionable whether a referral is appropriate.

Distribution: Panel Attendees, Regional Counsel, OI, Responsible Persons (original to SAC)

Options for Resolution:

**Licensee Referral** (Div. Dir. Concurrence Required (First Consider Factors Prior to Referral)  
/ Document NRC Review of Response - Resp. - AOC)

**Referral to Another Agency** (OSHA, etc. - Resp. - SAC)

**Referral to an Agreement State** (MD, ME, NH, NY, RI - Resp. - SAC)

**Referral to Another NRC Office** (OIG, NRR, Other Regions - Resp. - SAC)

**Request for Additional Info.** (From alleged, licensee, others - Resp. - AOC)

**Closeout Letter/Memo** (If no further action planned - Resp. - AOC)

**Inspection** (Resident/Specialist routine or reactive)

IF H&ID INVOLVED:

- |  |     |    |
|--|-----|----|
| 1) has the individual been informed of the DOL process and the need to file a complaint within 180 days (has DOL information package been provided?) | Yes | No |
| 2) has the individual filed a complaint with DOL   | Yes | No |
| 3) if the complainant filed directly with DOL, have they been contacted to obtain their technical concerns (Resp. - SAC)                             | Yes | No |
| 4) is a chilling effect letter warranted:<br>(DOL finding in favor of alleged)<br>(conciliation w/licensee prior to DOL decision)                    | Yes | No |

ADDITIONAL NOTES:

APPENDIX 7.0

ACKNOWLEDGEMENT LETTER TO ALLEGER

\_\_\_\_\_  
ALLEGER'S NAME

\_\_\_\_\_  
ADDRESS

Subject: Concerns You Raised to the NRC Regarding \_\_\_\_\_  
(site name)

Dear \_\_\_\_\_:

This refers to your \_\_\_\_\_ with \_\_\_\_\_,  
(telephone conversation, letter, etc.)  
on \_\_\_\_\_, in which you expressed concerns related to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

USE IF ALLEGATION WAS RECEIVED DIRECTLY FROM DOL

The U. S. Nuclear Regulatory Commission (NRC), Region I, is in receipt of the complaint that you filed with the U.S. Department of Labor (DOL) against \_\_\_\_\_ (CONTRACTOR/LICENSEE) at (SITE). While the matter of your [discrimination issue] is being handled by DOL, the NRC is tasked with regulating safety at entities possessing certain nuclear materials. In this role, it is our responsibility to investigate any safety concerns raised by individuals such as you.

In order to determine whether or not you have any specific safety concern, apart from the employment issues that are currently before the Department of Labor, it is requested that you call me at \_\_\_\_\_. I ask that you respond to my request and call me as soon as possible within the next 30 days.

USE THIS FOR ALL LETTERS

We have initiated actions to examine your concern(s) as characterized above and will inform you of our findings. As part of our response to your concerns, we may refer your concerns to the licensee for follow-up. In that case, we will evaluate the licensee's written response, and provide a copy of that response to you once we have evaluated the response and taken any additional actions, if necessary, to address your concerns.

USE IF THE ALLEGATION RECEIPT REPORT DOES NOT INDICATE WHETHER OR NOT THE ALLEGER OBJECTS TO THE REFERRAL OF THE ALLEGATION TO THE LICENSEE

If you have any objections to such a referral, we will consider the objections that you may have before deciding to refer your concerns to the licensee for follow-up. In any case, we will contact you before an issue is actually referred to the licensee.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**USE IF ADDITIONAL INFORMATION IS NEEDED FROM THE ALLEGER**

We have determined that we need additional information from you before we can proceed with our inquiry into your concerns. We have attempted to contact you by telephone without success and I would appreciate your contacting me collect at \_\_\_\_\_ as soon as possible so that we can discuss this matter further.

**USE IF ADDITIONAL INFORMATION WAS PROMISED BUT NOT RECEIVED**

Based on your telephone conversation with (NAME) on (DATE), it was understood that you would provide additional information. I would appreciate your contacting me at \_\_\_\_\_ at your earliest convenience so that we may proceed with our inquiry into this matter. If I am not available at the time, please ask for [BRANCH CHIEF] or leave a message so we can return your call.

**USE IF THE ALLEGER'S CONCERNS FALL WITHIN THE JURISDICTION OF ANOTHER AGENCY**

We have determined that the associated activity does not fall under NRC jurisdiction. The agency with jurisdiction is \_\_\_\_\_ (NAME) and we have referred your concern to them. For any further information on this matter, you should contact that agency reached at \_\_\_\_\_ (address) if you desire further information regarding the resolution of your concern.

**USE THIS FOR ALL LETTERS**

The NRC notes that in resolving technical issues, the NRC is also protecting the identity of allegers and intends to take all reasonable efforts to not disclose your identity to any organization, individual outside the NRC, or the public unless you clearly indicate no objection to being identified. If your concern(s) is(are) referred to the licensee for resolution, your name and other identifying information will be excluded from the information that is referred. However, you should be aware that your identity could be disclosed if disclosure is necessary to ensure public health and safety, if disclosure is necessary to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, and disclosure is necessary to support a hearing on an NRC enforcement matter or if you have taken actions that are inconsistent with and override the purpose of protecting an allexer's identity.

**USE ONLY FOR WRONGDOING**

Also, your identity may be disclosed at the NRC's discretion in order to pursue an investigation of issue(s) involving potential wrongdoing, such as the (subject) issue you brought to our attention.

**USE THIS PARAGRAPH IF THE ALLEGER WAS DISCRIMINATED AGAINST AND/OR DOL MAY BE AN ALTERNATIVE**

Also, your identity will be disclosed as part of any NRC investigation of (an) issue(s) of potential discrimination against an individual for raising safety issues, such as the concern(s) you raised above.

In addition, the NRC was established to regulate safety issues in the nuclear industry. Regarding the termination of your employment (OR INSERT APPLICABLE ISSUE), the Department of Labor (DOL) has the authority to order backpay, reinstatement or compensatory damages. In order to protect your rights, you must file a written complaint with DOL within 180 days of the

occurrence of the discrimination. Any such complaint can be filed with your local DOL office or:

The Office of Administration  
Wage and Hour Division  
Employment Standards Administration  
U.S. Dept. of Labor, Room S3502  
200 Constitution Avenue, N.W.  
Washington, D. C. 20210

Your complaint must describe the firing (OR INSERT APPLICABLE DISCRIMINATION ACTION) you feel occurred. A copy of the DOL's "Procedures for Handling of Discrimination Complaints Under Federal Employee Protection Statutes" is enclosed for your attention.

USE THIS PARAGRAPH ONLY FOR ALLEGERS WHERE CONFIDENTIALITY HAS BEEN GRANTED AND WHERE THE ALLEGATION PANEL HAS APPROVED CONFIDENTIALITY PER THE REGIONAL INSTRUCTIONS, BUT FOR WHOM NO CONFIDENTIALITY AGREEMENT HAS BEEN EXECUTED.

With respect to your request for confidentiality, I assure you that we will attempt to maintain your confidentiality while resolving this matter. Please read the attached Confidentiality Agreement, sign and date and mail it to us in the self-addressed, stamped envelope provided. I would like to point out that licensees can and sometimes do surmise the identity of individuals who provide information to us because of the nature of the information or other factors beyond our control. In such cases, our policy is to neither confirm nor deny the licensee's assumption. (ADD THIS FOR H & I ALLEGATIONS) You should be aware that the NRC normally will not investigate a case of potential discrimination against an individual for raising safety issues if the individual is a confidential source. This type of case cannot be investigated if an alleged's name is kept confidential.

USE THIS PARAGRAPH IF THE NRC DOES HAVE A SIGNED CONFIDENTIALITY AGREEMENT FROM THE ALLEGER

With respect to the Confidentiality Agreement you signed, I assure you that we will honor the Agreement. I would like to point out that licensees can and sometimes do surmise the identity of individuals who provide information to us because of the nature of the information or other factors beyond our control. In such cases, our policy is to neither confirm nor deny the licensee's assumption. (ADD THIS FOR H & I ALLEGATIONS) You should be aware that the NRC normally will not investigate a case of potential discrimination against an individual for raising safety issues if the individual is a confidential source. This type of case cannot be investigated if an alleged's name is kept confidential.

USE THIS FOR ALLEGATIONS REGARDING IMPROPER ACTIONS BY NRC STAFF

With respect your concerns regarding alleged improper actions by NRC staff, these matters have been referred to the NRC Office of Inspector General (OIG), and if you should have any questions or other comments on these matters, you should contact the OIG directly at 1-800-233-3497.

USE THIS FOR ALL LETTERS

If a request is filed under the Freedom of Information Act (FOIA) related to your area(s) of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing.

Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

\_\_\_\_\_  
Senior Allegation Coordinator  
or Appropriate Section Chief

File No. RI-9\_\_-A-\_\_\_\_

Enclosure: As stated

bcc:

Allegation File No. \_\_\_\_\_

DOCUMENT NAME:

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	ORA/SAC		/		/				
NAME	SAC		(Branch Chief)						
DATE									



APPENDIX 8.0

UPDATE LETTER TO ALLEGER

Docket No. \_\_\_\_\_

[Name:]  
[Home Address:]  
[City, State, Zip Code:]

Dear: \_\_\_\_\_

Subject: Update On Concerns You Raised to the NRC Regarding \_\_\_\_\_

USE FOR ALL LETTERS

This letter is in regard to the concerns you brought to the NRC in your (letter, conversation, interview) on (DATE).

Your concern is (being reviewed by the NRC, OR has been referred to the licensee for follow-up, etc.). When we have completed our review of these issues, we will notify you of our findings, actions and the final resolution.

USE IF SOME CONCERNS CLOSED WHILE OTHERS ARE STILL OPEN

We have completed our review of your other concerns as noted below. With respect to (describe actions taken and resolution for other allegation issues for which NRC response efforts have been completed since the last correspondence with the allegor). If I can be of further assistance at this time, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

(NAME)  
SAC

bcc: Allegation File No. \_\_\_\_\_

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

concurrences  
SAC Branch Chief

APPENDIX 9.0

CLOSEOUT LETTER TO THE ALLEGER

Docket No. \_\_\_\_\_

[Name:]  
[Home Address:]  
[City, State, Zip Code:]

Dear: \_\_\_\_\_:

Subject: Concerns You Raised to the NRC Regarding \_\_\_\_\_  
(facility)

USE FOR ALL LETTERS

The NRC Region I office has completed its follow up in response to the concern(s) you brought to our attention on \_\_\_\_\_. Specifically, you indicated \_\_\_\_\_.

In response to your concerns, the NRC (Provide a brief/direct answer to the allegor's concerns, stating what was done and what was found.) We have documented our findings in \_\_\_\_\_  
(inspection report no., detail no.)  
dated \_\_\_\_\_. A copy of the relevant section(s) of the report is/are enclosed.

SUBSTITUTE THIS PARAGRAPH IF ALLEGER HAS FAILED TO PROVIDE ADDITIONAL INFORMATION, AS NEEDED OR REQUESTED

This refers to our letter to you dated \_\_\_\_\_, in which we requested that you contact us to provide additional information regarding your concerns related to \_\_\_\_\_ at (Licensee's Facility). Your concerns were discussed with \_\_\_\_\_ in your LETTER/CONVERSATION with \_\_\_\_\_ [on, dated] \_\_\_\_\_.

In that you have not contacted us to provide the additional information we requested, the Region I plans no further action regarding this matter. We have, however, alerted our inspectors to your general concerns so that they can pay particular attention to those areas during their routine inspections.

USE IF ACTION COMPLETE AND INVOLVED 2.790 INFORMATION

Your concerns dealt with physical security matters, and the details are exempt from public disclosure so we are unable to provide you with a copy of our report.

USE IF VIOLATIONS WERE IDENTIFIED

During the NRC (INSPECTION) (INVESTIGATION), violation(s) of NRC requirements was (were) identified. The (LICENSEE) is required to inform us of the corrective actions they have taken or plan to take. Our inspectors will continue to monitor the licensee's activities to ensure proper resolution of this matter.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

USE FOR ALL OI CASES IN WHICH OI RETURNS A POTENTIAL WRONGDOING ISSUE TO THE STAFF FOR LACK OF RESOURCES OR LOW PRIORITY INCLUDING EMPLOYEE DISCRIMINATION,

Based on a review of your concerns of [insert description of wrongdoing concerns] as well as other cases needing investigation by the NRC, NRC has determined not to expend further investigatory effort on these concerns. This is not a finding that your wrongdoing concerns do not have merit, rather it is a recognition that the NRC must focus its limited investigatory resources on cases of higher priority. [For discrimination cases only---Accordingly, absent a finding of discrimination by the Secretary of Labor, or any additional substantial indications and/or evidence from you that would support your discrimination concerns] the NRC staff plans no further follow-up on concerns you have provided to the NRC.

USE FOR ALL LETTERS

We appreciate you informing us of your concerns and feel that our actions in this matter have been responsive to those concerns. Should you have any additional questions, or if I can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

(NAME)

SAC

bcc: Allegation File No. \_\_\_\_\_

concurrences  
SAC

Branch Chief

APPENDIX 10.0

LETTER TO LICENSEE WITH ENCLOSURE FORWARDING  
ALLEGATION FOR LICENSEE REVIEW

Licensee: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Dear \_\_\_\_\_:

The U.S. Nuclear Regulatory Commission recently received information concerning activities at \_\_\_\_\_. A description of the concerns is enclosed.

We request that you conduct inspections or investigations as necessary to reasonably prove or disprove these concerns and request that you inform NRC, (Region XX, NRR, or NMSS) ATTN: Mr. David J. Vito, within 60 days of the date of this letter of the resolution of this matter and make records of your completed action available for NRC inspection.

NRC review of your response will include whether: (a) the individual conducting the investigation was independent of the organization affected by the concern; (b) the evaluator was proficient in the specific functional area; (c) the evaluation was of sufficient depth and scope; (d) appropriate root causes and generic implications were considered if the concerns were substantiated; and (e) the corrective actions, if necessary, were sufficient.

We request that your response only be sent to Mr. Vito at the following address:

Mr. David Vito  
P. O. Box 80377  
Valley Forge, Pennsylvania 19484

No other copies should be sent to the NRC. Please do not submit your response to the Document Control Desk. If your response contains personal privacy, proprietary, or safeguards information, such information shall be contained in a separate attachment, appropriately marked, so that it will not be subject to public disclosure. The affidavit required by 10 CFR 2.790(b) must accompany your response if proprietary information is included.

This letter and its enclosure should be controlled and distribution limited to personnel with a "need to know."

The response requested by this letter and the accompanying enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

If you have any questions concerning this request, please contact Mr. Vito at (610) 337-5222.

Your cooperation with us is appreciated. We will gladly discuss any questions you may have concerning this information.

Sincerely,

\_\_\_\_\_  
Division Director

Allegation and Complaints - General

RI 1210.1/10

Enclosure: As stated

cc w/encl:

Appropriate Licensee Contact (if applicable)

Distribution w/encl:

Allegation File No. \_\_\_\_\_

Branch Chief

SAC

Division Director

SAMPLE ENCLOSURE TO LETTER TO LICENSEE REFERRING ALLEGATION

(Header) NOT FOR PUBLIC DISCLOSURE

Enclosure to letter to XYZ Utility of (date).

The NRC has received information that the contract Level 2 Inspectors at XYZ facility may not be adequately certified, and that as a result, certain frames rods that hold the do-hickeys in the hot crud system may not have been installed properly. Additionally, one of these inspectors has been using narcotics routinely at the jobsite during working hours.

(Footer) NOT FOR PUBLIC DISCLOSURE



NOT FOR PUBLIC DISCLOSURE

APPENDIX 11.0

SEE NRC ENFORCEMENT MANUAL, APPENDIX B, FORM 28

NOT FOR PUBLIC DISCLOSURE

APPENDIX 12.0

Letter Referring Allegation to State or Other Agency

Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Subject: Referral of Matter received by the NRC not within its jurisdiction

Dear \_\_\_\_:

USE FOR ALL LETTERS

On \_\_\_\_, the NRC was notified of an issue involving [LOCATION]. The issue involves. Since this matter is not within the NRC jurisdiction, but rather appears to be within your jurisdiction, this matter is being referred to you for whatever action you deem appropriate.

IF THE INDIVIDUAL ALLOWS HIS/HER NAME TO BE PROVIDED, ALSO INCLUDE THIS

The individuals name, address and phone number were provided to you during a telephone conversation by \_\_\_\_ on \_\_\_\_.

USE FOR ALL LETTERS

If you have any questions on this matter, please call me at \_\_\_\_

State Liaison Officer

cc:  
Allegation File No.

NOT FOR PUBLIC DISCLOSURE

APPENDIX 13.0

CLOSEOUT MEMORANDUM TO FILE  
FOR CASES INVOLVING ANONYMOUS ALLEGATIONS, OR  
ALLEGER SPECIFICALLY REQUESTS NOT TO BE SENT A LETTER, OR  
FOR STAFF SUSPECTED WRONGDOING

MEMORANDUM FOR: FILE

FROM: Branch Chief or SAC

SUBJECT: CLOSEOUT OF ALLEGATION NO. \_\_\_\_\_ FOR \_\_\_\_\_  
(site/licensee)

USE FOR AN ANONYMOUS ALLEGATION OR STAFF SUSPECTED WRONGDOING

On \_\_\_\_\_, the NRC received an anonymous allegation(s) [or opened an allegation file based on a staff suspected wrongdoing matter] that \_\_\_\_\_.

USE FOR CASE WHERE ALLEGER HAS SPECIFICALLY REQUESTED NOT TO BE SENT A LETTER

On \_\_\_\_\_, the NRC received an allegation that \_\_\_\_\_.  
In that the allegor has specifically requested not to receive a letter, the NRC followup action is described herein.

USE FOR ALL MEMORANDA

An allegation panel(s) was (were) convened on \_\_\_\_\_, and the NRC \_\_\_\_\_ to resolve the allegation (or staff suspected wrongdoing).

Based upon \_\_\_\_\_, the NRC has found that \_\_\_\_\_.

Based on the anonymous nature of the allegation [or allegor specifically requesting not to receive a letter, or this being a staff suspected wrongdoing matter], no response to the allegor is appropriate.

This allegation is closed.

\_\_\_\_\_  
SAC or Branch Chief

Enclosure: As stated

CC:  
Allegation File No.

SAC Branch Chief

NOT FOR PUBLIC DISCLOSURE

APPENDIX 14.0

ALLEGATION FILE DOCUMENT CONTROL FORM

ALLEGATION NO. RI- -A-

1. Data Entry Sheet (AMS Computer Printout) Yes ☐ No ☐ NA ☐
2. Original Allegation Yes ☐ No ☐ NA ☐  
 Referred from: (Circle only if applicable)  
 NMSS/NRR/RII/RIII/RIV/RV/OIG  
 Reference No. \_\_\_\_\_
3. Sanitized Copy of Allegation Yes ☐ No ☐ NA ☐
4. Allegation Panel Decisions Yes ☐ No ☐ NA ☐
5. Referral to other NRC Office Yes ☐ No ☐ NA ☐  
 NMSS/NRR/RII/RIII/RIV/RV  
 Referred to: Reference No. \_\_\_\_\_
6. Referral to Another Agency Yes ☐ No ☐ NA ☐  
 If so, which one \_\_\_\_\_
7. Letters to Allegers
  - a. Acknowledgement Yes ☐ No ☐ NA ☐
  - b. Seeking Additional Information Yes ☐ No ☐ NA ☐
  - c. Notifying of Referral to Other Agency Yes ☐ No ☐ NA ☐
  - d. DOL Complaint Yes ☐ No ☐ NA ☐
  - e. Update Letter Yes ☐ No ☐ NA ☐
  - f. Closeout Letter Yes ☐ No ☐ NA ☐
8. OI Referral Request (Allegation Panel Decision Record dated \_\_\_\_\_) Yes ☐ No ☐ NA ☐
9. OI Report Yes ☐ No ☐ NA ☐
10. Closeout of OI:RI Investigation Yes ☐ No ☐ NA ☐
11. DOL Correspondence (including closure) Yes ☐ No ☐ NA ☐
12. OIG Referral Yes ☐ No ☐ NA ☐
13. Letter to Licensee Referring for Action Yes ☐ No ☐ NA ☐
14. Licensee Response to Referral Letter Yes ☐ No ☐ NA ☐
15. Chilling Effect Letter to Licensee Yes ☐ No ☐ NA ☐
16. Licensee Response to Chilling Effect Ltr Yes ☐ No ☐ NA ☐

NOT FOR PUBLIC DISCLOSURE

17. Inspection Report Yes \_\_\_\_\_ No \_\_\_\_\_ NA \_\_\_\_\_
18. Other Closeout Documentation Yes \_\_\_\_\_ No \_\_\_\_\_ NA \_\_\_\_\_
19. Closeout Memo to File (use if alleged is anonymous or in conjunction with closeout letter to alleged) Yes \_\_\_\_\_ No \_\_\_\_\_ NA \_\_\_\_\_
20. CONFIDENTIALITY GRANTED Yes \_\_\_\_\_ No \_\_\_\_\_ NA \_\_\_\_\_

If granted:

- a. Justification Memo from NRC Staff Member Who Granted Confidentiality Yes \_\_\_\_\_ No \_\_\_\_\_
- b. Signed Confidentiality Agreement Yes \_\_\_\_\_ No \_\_\_\_\_
- c. Cover Placed on File and Stamped Appropriately Yes \_\_\_\_\_ No \_\_\_\_\_

CLOSEOUT REVIEW FOR COMPLETENESS/ACCURACY

Senior Allegation Coordinator \_\_\_\_\_ Date \_\_\_\_\_

Action Office Contact \_\_\_\_\_ Date \_\_\_\_\_