



THE IG AT

THE NRC

OFFICE OF THE

INSPECTOR

GENERAL

2003

U.S. NUCLEAR REGULATORY COMMISSION

FOREWORD

This fourth edition of “The IG at the NRC” is intended to serve as a stand alone reference of the policies, procedures and statutory authority of the U.S. Nuclear Regulatory Commission (NRC), Office of Inspector General (OIG). In addition to excerpts from the IG Act of 1978, 5 U.S.C. App 3, it provides information about the OIG mission and functions and current policy and procedures.

Since my appointment as Inspector General for the NRC in July 1996, I have made education a priority. Maintaining this reference as a current source of information is an important part of this effort, both within the agency and for our other stakeholders. I request that you use this document so as to be better informed about the OIG. I also invite your questions and comments so that we may have a continuing dialogue on ways to combat and prevent fraud, waste, and abuse.

*Hubert T. Bell
Inspector General*

CONTENTS

1	OIG MISSION AND ORGANIZATION	1
1.1	Mission	1
1.2	Oversight	2
1.3	Organization	3
2	OIG INVESTIGATIONS	5
2.1	What is an OIG Investigation?	5
2.2	What Does the OIG Investigate?	5
2.3	How is an OIG Investigation Initiated?	6
2.4	The Investigative Process	7
2.5	Clearance Letter	8
2.6	OIG Access to Documents	8
2.7	OIG Access to Individuals	9
2.8	Law Enforcement Authority	9
2.9	Employee Rights and Warnings	9
2.10	Reporting Allegations	11
2.11	Investigative Products	13
3	OIG AUDITS	15
3.1	What is an OIG Audit?	15
3.2	How are Audits Conducted?	15

3.3 What is the Priority for Conducting an OIG Audit? 15

3.4 What are the Audit Steps? 16

3.5 What are Entrance and Exit Conferences? 16

3.6 What is Audit Resolution and Closure? 17

3.7 What Happens if OIG and NRC Management Disagree on a
Course of Action Recommended in the Audit Report? 17

3.8 Who Gets Copies of OIG Audit Reports? 17

4 REGULATORY REVIEW 18

4.1 What is a Regulatory Review? 18

4.2 What Process is Used to Perform a Regulatory Review? 18

4.3 Regulatory Review Distribution 18

5 THE SEMIANNUAL REPORT TO CONGRESS 19

5.1 What is the Semiannual Report? 19

5.2 Semiannual Report Distribution 20

**6 FREEDOM OF INFORMATION ACT AND
PRIVACY ACT 21**

6.1 Freedom of Information Act and Privacy Act 21

6.2 Document Dissemination 21

APPENDIX 22

1 OIG MISSION AND ORGANIZATION

1.1 Mission

Statutory Basis

The U.S. Nuclear Regulatory Commission (NRC), Office of the Inspector General (OIG), was established in 1989 under the 1988 amendments to the Inspector General Act of 1978, 5 U.S.C. App. 3, as an independent and objective entity within the agency.

The statutory language of the IG Act describes the mission of the NRC Inspector General as: to conduct and supervise audits and investigations relating to NRC programs and operations; to provide leadership and coordination and recommend policies for activities designed to prevent and detect fraud, waste, and abuse, and to promote economy, efficiency and effectiveness in the administration of NRC programs and operations; and to keep the Chairman and Congress fully and currently informed about problems and deficiencies in NRC programs and operations, as well as the need for progress in implementing corrective action.

Other specific obligations under the Act require the IG to: review and provide comments on existing and proposed policies and legislation; coordinate with the NRC, other Federal agencies, and other entities relating to promoting economy and efficiency and prevention and detection of fraud and abuse in agency administered or financed programs or prosecution of participants in such abuse in NRC programs and operations; comply with Comptroller General audit standards; report expeditiously to the Attorney General whenever the IG has reasonable grounds to believe that there has been a violation of Federal criminal law; and, prepare and submit semiannual reports to Congress summarizing OIG activities not later than April 30 and October 31 of each year. Further, the law also provides that after the receipt of a complaint or information from any employee, the IG shall not disclose the identity of an employee without their consent unless the IG determines it is unavoidable during the course of an investigation.

Authority

The IG Act gives the IG the authority to: have access to all agency documents and records; subpoena documents; administer oaths; have direct and prompt access to the Chairman; select, appoint and employ OIG employees; and enter into contracts and consultant agreements. The IG also has the authority to report immediately particularly serious or flagrant matters to the head of the agency, who must transmit this report to Congress within seven calendar days along with any responsive comments.

1.2 Oversight

PCIE

Under Executive Order 12625 (January 27, 1988), the President's Council on Integrity and Efficiency (PCIE) was established as an interagency council chaired by the Deputy Director for Management of the Office of Management and Budget (OMB). The chair appoints a vice-chair to assist in carrying out its functions of promoting integrity and effectiveness in Federal programs. The PCIE is composed of presidentially-appointed and Senate-confirmed IGs, and officials from OMB, the Federal Bureau of Investigation, the Office of Government Ethics, the Office of Personnel Management, and the Office of Special Counsel. PCIE oversight responsibility includes development of policies to support professionalism in Federal OIGs. As part of that oversight, PCIE also addresses allegations against IGs and certain staff members.

Allegations Against Inspectors General/OIG Staff

Consistent with Executive Order 12993 (March 21, 1996), certain administrative allegations against Inspectors General, and staff members of the OIGs, will be received by the Integrity Committee of the PCIE for its review and disposition. Allegations made against OIG staff will likewise be reviewed by the PCIE's Integrity Committee if, among other reasons, the staff member is alleged to have acted with the knowledge of the IG; or the allegation against the staff person is related to an allegation against the IG. Further, any administrative allegation against a senior staff member will, on a case-by-case basis, be referred by the IG to the PCIE Integrity Committee when (1) review of the substance of the allegation cannot be assigned to an agency of the Executive Branch with appropriate jurisdiction over the matter and (2) the IG determines that an objective internal investigation of the allegation, or the appearance thereof, is not feasible.

1.3 Organization

The Inspector General

The IG Act created in certain Departments and Agencies designated by Congress an Office of Inspector General, the head of which shall be an Inspector General appointed by the President, by and with the advice and consent of the Senate. IGs are selected without regard to political affiliation, and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

To ensure the independence of the office, the IG reports to and is under the general supervision of the agency head. At the NRC, this is the Chairman. The NRC IG may be removed only by the President, who must communicate the reasons for any such removal to both Houses of Congress.

By statute, the NRC IG oversees and is responsible to:

- ◆ conduct and supervise audits and investigations relating to NRC programs and operations;
- ◆ review existing and proposed legislation and regulations relating to programs or operations administered or financed by the agency, and to make recommendations concerning their impact on the economy and efficiency in the administration of programs and operations or the prevention and detection of fraud and abuse;
- ◆ to recommend policies for and (establish and implement policies) to conduct, supervise, and coordinate activities that promote economy and efficiency and that prevent or detect fraud, waste, and abuse within the agency; and
- ◆ appoint an Assistant Inspector General for Audits and an Assistant Inspector General for Investigations.

The Deputy Inspector General

- ◆ Oversees the conduct and supervision of audits and investigations relating to agency programs and operations; and
- ◆ Manages all administrative and planning activities necessary to support the programmatic mission of the OIG.

The Assistant Inspector General for Audits

- ◆ Supervises the performance of auditing activities relating to NRC programs and operations; and
- ◆ Advises and assists the IG on all audits and evaluations conducted by the OIG.

The Assistant Inspector General for Investigations

- ◆ Supervises the performance of investigative activities and inquiries relating to NRC programs and operations; and
- ◆ Advises and assists the IG on all investigations and inquiries conducted by the OIG.

Director, Resource Management and Operations Support

- ◆ Provides overall management of administrative and operational support for OIG programs, including formulating and executing the OIG budget, operating an independent personnel program, administering the information technology program, coordinating strategic planning activities, training, and procurement support.
- ◆ Prepares the OIG Semiannual Report to Congress.

The General Counsel to the Inspector General

- ◆ Provides independent legal counsel and representation for the IG and OIG;
- ◆ Advises and assists the IG on all legal issues and serves as legal advisor to the OIG staff; and
- ◆ Coordinates and drafts commentary in regard to reviews of existing and proposed regulations, legislation, and implementing agency directives.

2 OIG INVESTIGATIONS

The Office of the Inspector General supports integrity and efficiency in NRC programs by providing timely, objective, and independent investigative reports.

2.1 What is an OIG Investigation?

An OIG investigation is a planned, systematic search for relevant, objective evidence derived from individuals, documents, tangible objects, and data.

In addition to documentation of evidence discovered, an investigation typically includes identifying the basis for the original complaint, the issues involved, and citation of relevant statutes.

2.2 What Does the OIG Investigate?

The jurisdiction of the OIG extends to all matters relating to fraud, waste, and abuse by NRC employees, contractors, and other recipients of funds under or relating to NRC programs and operations. OIG investigations focus on violations of law or misconduct by NRC employees and contractors as well as allegations of irregularities or abuse in NRC programs and operations.

These investigations may involve one or more of the following violations of laws or regulations:

- ◆ theft, conversion, misappropriation, embezzlement, or misuse of Government funds or property;
- ◆ false claims or statements;
- ◆ forgery, falsification, or unauthorized destruction of Government records;
- ◆ bribery, extortion, or blackmail or attempted bribery or blackmail of, or by, an NRC employee;
- ◆ violation of employee standards of conduct, conflict of interest; and
- ◆ mismanagement, fraud, waste of Government funds, or abuse of authority relating to NRC's programs and operations.

2.3 How is an OIG Investigation Initiated?

The first step in the course of an investigation is receipt of a complaint of wrongdoing or an allegation. Allegations are received from NRC employees, other Government employees, licensee utility employees, contractors, Congress, citizens, and public interest groups.

Hotline Program

A conduit for anonymous complaints is the Hotline Program, which is a confidential means of reporting suspicious activity to the OIG concerning agency programs and operations. Suspicious activity may include instances of fraud, waste, and abuse, mismanagement, or danger to public health and safety.

We do not attempt to identify persons contacting the Hotline. Persons may contact the OIG by telephone, through an on-line form, via the NRC public Web site www.nrc.gov or by mail. There is no caller identification feature associated with the Hotline. No identifying information is captured when you submit an on-line form. You may provide your name, address, or phone number, if you wish.

Guidelines for Investigation

Once an allegation is received, an analysis is conducted to determine whether further action is warranted and, if so, what type of action is needed.

The OIG considers the following factors in evaluating a complaint for investigation:

- ◆ plausibility that a violation of a statute or regulation under OIG jurisdiction has been committed;
- ◆ the presence of indicators that the matter may significantly affect public health and safety;
- ◆ the effect of the alleged illegal or improper activity on NRC programs;
- ◆ whether the matter is of interest to senior NRC managers, one or more Congressional committees, the nuclear industry, or a public interest group;

- ◆ the level of the position of individuals against whom the allegations are made (allegations of wrongdoing by high-ranking agency officials are of heightened concern); and
- ◆ the deterrent effect knowledge of the investigation may have on others who may consider committing similar illegal or improper acts.

If an OIG investigation is not initiated in response to a complaint but does require additional action, the matter is referred to NRC management. Referral to NRC management occurs in cases where an allegation reflects issues or facts indicating a performance matter or that a technical inquiry is warranted. Often a referral of this nature is made in response to a telephonic contact from an NRC manager who is reporting suspected wrongdoing or relaying an allegation received from an employee, licensee or contractor. When a matter is referred back to management, OIG continues to track the action taken. It is expected that the cognizant management official will examine the facts of the matter and take appropriate action. This action is reported to the OIG, as is the discovery of facts evidencing a more serious allegation.

Referral to another law enforcement agency occurs when the matter is outside the NRC OIG's jurisdiction. In addition, allegations not susceptible to or warranting immediate action may be retained for use as the basis for programmatic inquiries or audits.

2.4 The Investigative Process

Because the goal of an investigation is to determine the truth or the falsity of matters alleged, the procedures employed in the investigative process focus on obtaining relevant facts so as to address all aspects of a complaint.

Investigative activities include examination of documents, for example, files, contracts, vouchers, reports, and memoranda. Investigators also obtain information by interviewing witnesses, technical experts, and the subjects of investigations.

Information obtained is documented in records of interviews, by affidavits sworn under oath and in depositions, that is, questions and answers given under oath, and transcribed by a court reporter.

After all relevant information is gathered, an investigative report is prepared. When there is evidence of Federal criminal wrongdoing, the

report is presented to the Department of Justice (DOJ) for use in prosecution in Federal Court. Violations of other statutes are coordinated with State and local officials and prosecutors. If the investigation shows evidence of an administrative offense, the report will be sent to NRC managers for action. NRC managers are required to advise OIG of action taken or provide status within 90 days of receipt of the IG investigation.

2.5 Clearance Letter

A Clearance Letter is a document provided to an NRC employee in cases where an investigation is initiated in response to an allegation of employee misconduct, and the misconduct is not substantiated. Specifically, “not substantiated” is defined as a case in which an investigation is opened, the DOJ declines prosecution, and/or insufficient evidence is found to warrant referral to the agency for management action.

A clearance letter provides closure for the subject employee, but it is not an indication that immunity has been granted for any future investigation of the allegation. The issuance of a clearance letter is at the discretion of the IG and is not a right.

A clearance is a letter sent to the employee with a concurrent copy to the Executive Director for Operations (EDO) or Chief Financial Officer (CFO). It will contain a brief summary of the allegations and a statement to the effect that the allegations were investigated and were not substantiated.

2.6 OIG Access to Documents

Within NRC

Section 6 of the IG Act provides specific authority for the OIG to have access to and obtain all records, reports, audits, reviews, recommendations and other materials that relate to NRC programs and operations.

Subpoena Authority

This section of the statute also authorizes the OIG to issue subpoenas to obtain documents from outside the Federal Government. Access to financial records is authorized under the provision of the Right to Financial Privacy Act.

2.7 OIG Access to Individuals

Government employees, including NRC personnel, mainly participate in OIG investigations by providing information to investigators in interviews.

The majority of employees voluntarily consent to interviews and fully cooperate by supplying information and documents within their control. Employees who do not may be ordered by a supervisor to appear for an interview with OIG investigator. Employees who fail to comply with such an order are subject to disciplinary action. False statements made in the course of an investigation are subject to criminal and administrative penalties.

2.8 Law Enforcement Authority

Under amendments to the IG Act effected by the Homeland Security Act of 2002, NRC OIG investigative agents in the 1811 series have statutory law enforcement authority. This part of the IG Act, §6(e), authorizes agents to carry firearms, to make an arrest without a warrant, and seek and execute warrants for arrest, search of a premise or seizure of evidence.

2.9 Employee Rights and Warnings

OIG interviews are conducted in compliance with applicable law, regulation and policy. Before beginning an interview, OIG investigators identify themselves, present their credentials, and state the nature and purpose of the interview.

When applicable, a statement of the individual's alternatives with regard to remaining silent and obtaining legal counsel are provided directly and personally to each employee. Statements of rights are referred to as "warnings."

There are three types of warnings commonly referred to as: Miranda, Garrity, and Kalkines. The basic substance of each is summarized as follows:

1. Miranda: Given when an individual is being interviewed concerning his or her own potentially criminal misconduct and is taken into custody or deprived of freedom in a significant way. This warning advises, in accordance with the Fifth and Sixth Amendments to the Constitution, that the individual is entitled to remain silent or otherwise not incriminate himself or herself and to the assistance of an attorney.

2. Garrity: Informs Federal employees who are subjects of investigations, that although they would normally be expected to answer questions regarding their official duties, refusal to answer on the ground that the answers may tend to incriminate them will not subject them to disciplinary action.
3. Kalkines: Advises that the possibility of criminal prosecution has been removed, usually by a declination to prosecute by the Department of Justice, and that the employee is required to answer questions relating to the performance of their official duties or be subject to disciplinary action, including removal.

Legal Representation

OIG policy is to allow an interviewed employee who requests legal representation to have an attorney present.

Employees who make such a request are allowed a reasonable amount of time to arrange this representation. Legal representation is at the expense of the individual employee.

Bargaining Unit Employees — Union Representation

The OIG is not obligated to advise an employee of their right to union representation during an interview. Bargaining unit employees have the right to union representation during OIG interviews if the employee reasonably believes that the examination may result in disciplinary action against them and the employee requests representation. Even an employee who is not considered a “subject” of an investigation has the right to union representation if the employee reasonably believes there is a possibility of discipline. It is the individual employee’s responsibility to obtain representation. Employees are given a reasonable amount of time to arrange for union representation.

Union Representative Role

The union representative’s role during an OIG interview includes conferring with the employee, clarifying matters and advising on union issues. The OIG investigator is responsible for conducting and controlling the interview. In the event of a dispute, the OIG investigator may give the employee the choice of proceeding without union representation or terminating the interview.

2.10 Reporting Allegations

All NRC employees are expected to support and cooperate in OIG investigative efforts.

Responsible Reporting

Government employees are required to report wrongdoing.

WHY REPORT WRONGDOING? — First, NRC employees are in the best position to observe wrongdoing and have the technical expertise to assess wrongful actions and their consequences. Second, under Federal Law and Executive Order, all Government employees are required to report violations.

HOW TO REPORT WRONGDOING — You should report any indications of fraud, waste, abuse of authority, mismanagement, or other wrongdoing directly to the OIG or through your supervisor.

Agency managers and supervisors are responsible for ensuring that allegations of wrongdoing they receive are promptly reported to the OIG. Report wrongdoing by —

- ◆ contacting the OIG directly by telephone at 301-415-5930
- ◆ calling the OIG-HOTLINE at 1-800-233-3497
- ◆ Submitting On-Line Form

Access by: logging onto *www.nrc.gov*

Click on Inspector General

Click on OIG Hotline phone symbol

- ◆ or by writing to: U.S. Nuclear Regulatory Commission

Office of the Inspector General

Mail Stop T5-D28

11545 Rockville Pike

Rockville, MD 20852

WHAT TO REPORT — The information you provide to the OIG should be sufficient to allow evaluation of your complaint to determine if action by the NRC/OIG is warranted or referral should be made to another agency, to NRC management, or to some other office for their information and action.

What should be reported?

- ◆ Contract and procurement irregularities
- ◆ Conflicts of interest
- ◆ Theft and misuse of property
- ◆ Travel fraud
- ◆ Misconduct
- ◆ Time and attendance abuse
- ◆ Misuse of Government credit card
- ◆ Abuse of authority
- ◆ Program mismanagement
- ◆ Misuse of information technology resources

The following information should be provided:

- ◆ a brief, accurate statement of facts believed to provide evidence of wrongdoing;
- ◆ names, addresses, and office locations of pertinent individuals and organizations;
- ◆ dates when the suspected wrongdoing took place or is expected to occur;
- ◆ how you became aware of the information;
- ◆ memoranda, contracts, invoices, or other related documents; and
- ◆ names, addresses, office locations, and telephone numbers of others (including licensees) who may have information about the suspected wrongdoing.

Employees who report suspected misconduct should not engage in any independent inquiry or investigation and should not discuss the matter with the persons suspected of wrongdoing. After the initial contact with OIG, employees should provide the OIG with any new or additional information of which they become aware.

HOW ARE YOU PROTECTED — You may make an allegation anonymously, or request that your identity be kept confidential. If you choose to identify yourself, under the IG Act, your name will not be revealed unless the IG determines that the disclosure is unavoidable. Reprisal and retaliation for reporting wrongdoing is prohibited by Federal law and regulations, and no action may be taken against you for having complained or disclosed information to the OIG. However, individuals may be subject to disciplinary or criminal action for knowingly making a false complaint or providing false information.

2.11 Investigative Products

Reports of Investigation

A Report of Investigation relates facts and describes available evidence to address relevant aspects of an allegation against individuals, including aspects of an allegation not substantiated. Investigative reports do not contain recommendations as to disciplinary action.

Investigative reports are given only to individuals who have a “need to know” in order to properly determine whether agency action is warranted. If administrative or disciplinary action is deemed appropriate, agency managers consult with the Office of Human Resources and the Office of the General Counsel for guidance in initiating discipline. The agency is expected to advise the OIG within 90 days of receiving the investigative report as to what disciplinary or other action has been taken in response to investigative report findings.

Cover Letter

A cover letter is used with some investigative reports as more than a mere transmittal vehicle. When the OIG observes that an issue identified in the transmitted report is a recurring or systemic problem, or one reported in other OIG products, the cover letter is used to identify the problem to managers in this broader context.

Because OIG investigative reports do not contain recommendations, a cover letter is also used if significant findings indicate that a specific response to systemic problems is needed. The agency is expected to report managerial actions taken in response to the problems identified within 90 days.

Event Inquiry

The Event Inquiry is an investigative product documenting examination of events or agency regulatory actions that do not specifically involve individual misconduct. These reports identify staff actions that may have contributed to the occurrence of an event. The agency is requested to advise the OIG of managerial initiatives taken to cure any institutional weaknesses identified in these reports.

Management Implications Report (MIR)

The Management Implications Report (MIR) was developed at the request of senior NRC officials to provide managers with a “Root-Cause” analysis as to how a particular problem developed. The objective of an MIR is to give managers sufficient information to facilitate correction of the problem and to avoid similar issues in the future.

Investigative Document Distribution and Dissemination

Reports of Investigation are sensitive documents. Their distribution is restricted by the Privacy Act and is subject to Freedom of Information Act exemptions as law enforcement documents.

In accordance with the Protocol agreement with the agency, when an investigation is completed, a copy of the investigative report and associated exhibits are forwarded, as appropriate, to the Executive Director for Operations (EDO), the Chief Financial Officer (CFO) and, in appropriate circumstances, to the Chairman. These officials provide copies of the report to those whose official duties present a “need to know” in connection with a particular case.

As appropriate, copies of reports may be provided to Congressional Committees.

Event Inquiries which do not contain classified or sensitive information are generally released to the public.

MIRs are intended for the use of agency managers and are published for official use only.

3 OIG AUDITS

The Office of the Inspector General helps improve NRC programs and activities by providing managers with timely, balanced, and independent audits.

3.1 What is an OIG Audit?

An audit examines NRC programs and activities, and recommends constructive solutions if warranted. Audits also evaluate the reasonableness of agency financial statements.

3.2 How are Audits Conducted?

Auditors typically

- ◆ examine the methods employed by NRC and its contractors in carrying out programs and activities;
- ◆ evaluate whether established goals and objectives are achieved;
- ◆ evaluate whether resources are used economically and efficiently;
- ◆ assess whether results are consistent with laws, regulations, and good business practice; and
- ◆ test financial accountability and financial statement reliability.

3.3 What is the Priority for Conducting an OIG Audit?

Audit priority is based on

- ◆ mandatory legislative requirements;
- ◆ emphasis by the President, Congress, NRC Chairman or other Commissioners, and stakeholders;
- ◆ issues that pose a threat to public health and safety;
- ◆ a program's susceptibility to fraud, manipulation, or other irregularities;
- ◆ newness, changed conditions, or sensitivity of program activities;
- ◆ dollar magnitude or personnel resources involved in the audit area;

- ◆ prior audit coverage and experience; and
- ◆ adequacy of internal controls.

Each September, the OIG issues an Annual Plan that summarizes the audits planned for the coming year. However, unanticipated high priority issues may arise that generate audits not listed in the Annual Plan.

3.4 What are the Audit Steps?

An audit involves several steps, ranging from notification that an audit is about to begin, holding of entrance and exit conference, to closure of an audit report after management has completed the actions necessary to correct deficiencies. The underlying goals of the audit process are to:

- ◆ maintain an open channel of communication between auditors and NRC managers,
- ◆ ensure that findings are accurately and fairly presented in the audit report, and
- ◆ achieve agreement on proposed corrective actions.

3.5 What are Entrance and Exit Conferences?

The entrance conference serves as the formal start of an audit. During this meeting, the OIG advises NRC officials of the purpose, objectives, and scope of the audit. During the course of an audit, auditors meet periodically with NRC officials to provide audit updates.

The exit conference is conducted at the end of audit fieldwork. The OIG gives a draft copy of the audit report to NRC officials before the exit conference to facilitate a full and open discussion on the findings and recommendations. This meeting provides NRC managers with an opportunity to confirm information, ask questions, and provide clarifying data.

3.6 What is Audit Resolution and Closure?

Audit resolution is the process by which

- ◆ OIG and NRC management agree on the corrective actions needed; and
- ◆ NRC management takes action to improve operations or correct deficiencies identified in the audit report.

The resolution process tracks management's corrective actions until they are completed and the recommendation is closed.

3.7 What Happens if the OIG and NRC Management Disagree on a Course of Action Recommended in the Audit Report?

When the OIG determines that an agency response is unsatisfactory, intervention by the Executive Director for Operations or the Chairman is requested. If it is a significant issue, the Inspector General can also seek Congressional intervention.

3.8 Who Gets Copies of OIG Audit Reports?

OIG audit reports, unless classified or otherwise restricted, are distributed to the NRC, the Congress, the General Accounting Office, the media, and the general public. These reports are available both on the Internet and in ADAMS. Classified and restricted reports receive a limited distribution, based on need to know, and are not available on either the Internet or in ADAMS.

4 REGULATORY REVIEW

4.1 What is a Regulatory Review?

Regulatory Review is the examination of existing and proposed legislation, regulations, and policies so as to assist the agency in preventing and detecting fraud, waste, and abuse in its programs and operations.

Regulatory comments are provided to document OIG's objective analysis of vulnerabilities created within agency programs and operations by proposed or existing statutes, regulations, or policies. Comments cite the IG Act as authority for the review, state the specific law, regulation, management directive or policy examined, the pertinent background information considered, and identifies OIG concerns, observations, and suggestions.

4.2 What Process is Used to Perform a Regulatory Review?

All proposed revisions to legislation, regulations, directives, policy initiatives and other significant matters that affect NRC's programs and functions are forwarded in draft by the originating office. OIG reviews the draft documents and if applicable, responds with comments identifying concerns and providing suggestions. The agency consideration of these concerns is documented in a formal reply. Either responsive action or status of the revision is requested within 90 days. Significant observations regarding action or inaction by the agency are reported in the OIG Semiannual Report to Congress.

4.3 Regulatory Review Distribution

Regulatory commentaries are normally sent to the cognizant agency office and are intended only for internal use.

5 THE SEMIANNUAL REPORT TO CONGRESS

5.1 What is the Semiannual Report?

In accordance with requirements of the IG Act, the semiannual report is a document prepared by each Inspector General that summarizes the activities of that OIG during the six-month periods ending March 31 and September 30. The report is submitted to the head of the agency, the Chairman in the case of the NRC, no later than April 30 and October 31 of each year. The agency may comment on the report, but may not change it. Within 30 days of receipt, the Chairman may submit any agency remarks together with the IG's report to Congress.

Reporting Requirements for the Semiannual Report

The reporting requirements for the IG's Semiannual Report are contained in Section 5 of the IG Act. Additional guidance on the content of the report has been provided by the President's Council on Integrity and Efficiency and the OMB. Items normally included in the report are:

1. Description of significant problems, abuses, and deficiencies relating to the administration of the NRC's programs and operation;
2. Description of audit recommendations for corrective action;
3. Identification of each significant audit recommendation described in previous reports for which the agency has not completed corrective action;
4. Summary of matters referred to prosecutive authorities and the results of those prosecutions;
5. Selected Regulatory Commentary summaries and agency response;
6. Statistical tables demonstrating the dollar results of the OIG's internal program audits and contract audits performed during the reporting period;

The report may also include special feature articles concerning relevant topics.

5.2 Semiannual Report Distribution

The Semiannual Report is published on www.nrc.gov/insp-gen/pubs.html and widely distributed throughout government and to the public.

6 FREEDOM OF INFORMATION ACT AND PRIVACY ACT

6.1 Freedom of Information Act and Privacy Act

FOIA requests may be made by mail, fax or email to the following:

FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6D8
Washington, DC 20555-0001
Fax: 301-415-5130
Email: foia@nrc.gov

Requests for OIG documents must adequately describe the records sought. Requests for information protected by the Privacy Act must include a written release.

In accordance with 10 CFR Part 9, the Office of the Inspector General at the NRC exercises independent authority to release or withhold documents requested under the Freedom of Information Act 5 U.S.C. § 552 and Privacy Act 5 U.S.C. § 552a.

5 U.S.C. § 552 and 5 U.S.C. § 552a provide the OIG with broad denial authority under exemptions that protect criminal investigative and privacy interests. Disclosure of investigative documents is normally very limited.

The AIGI acts as the initial denial authority for OIG documents, and the only administrative appeal is to the IG.

6.2 Documentation Dissemination

Unlike the agency, OIG documents released under FOIA are not concurrently placed in the ADAMS system.

APPENDIX

Excerpts from the
INSPECTOR GENERAL ACT OF 1978
(Public Law 95-452, October 12, 1978)

As amended by the

INSPECTOR GENERAL ACT AMENDMENTS OF 1988
(Public Law 100-504, October 18, 1988)

§ 2. Purpose and establishment of Offices of Inspector General; departments and agencies involved

In order to create independent and objectives units —

- (1) to conduct and supervise audits and investigations relating to the programs and operations of the establishments listed in section 11(2);
- (2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and
- (3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action; there is hereby established in each of such establishments an Office of Inspector General.

§ 3. Appointment of Inspector General; supervision; removal; political activities; appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations

(a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to, or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(b) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(c) For the purposes of section 7324 of Title 5, United States Code, no Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service —

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

§ 4. Duties and responsibilities; report of criminal violations to Attorney General

(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established —

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(4) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establishment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(5) to keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by section 5 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(b)(1) In carrying out the responsibilities specified in subsection

(a)(1), each Inspector General shall —

(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

(B) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

(2) For purposes of determining compliance with paragraph (1)(A) with respect to whether internal quality controls are in place and operating and whether established audit standards, policies, and procedures are being followed by Offices of Inspector General of establishments defined under section 11(2), Offices of Inspector General of designated Federal entities defined under section 8F(a)(2), and any audit office established within a Federal entity defined under section 8F(a)(1), reviews shall be performed exclusively by an audit entity in the Federal Government, including the General Accounting Office or the Office of Inspector General of each establishment defined under section 11(2), or the Office of Inspector General of each designated Federal entity defined under section 8F(a)(2).

(c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(As amended Pub.L. 100-504, Title I § 109, Oct. 18, 1988, 102 Stat. 2529)

§ 5. Semiannual reports; transmittal to Congress; availability to public; immediate report on serious or flagrant problems; disclosure of information; definitions.

- (a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to —
- (1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;
 - (2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);
 - (3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;
 - (4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;
 - (5) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;
 - (6) a listing, subdivided according to subject matter, of each audit report issued by the Office during the reporting period and for each audit report, where applicable, the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs) and the dollar value of recommendations that funds be put to better use;
 - (7) a summary of each particularly significant report;
 - (8) statistical tables showing the total number of audit reports and the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs), for audit reports —
 - (A) for which no management decision had been made by the commencement of the reporting period;
 - (B) which were issued during the reporting period;

- (C) for which a management decision was made during the reporting period, including —
 - (i) the dollar value of disallowed costs; and
 - (ii) the dollar value of costs not disallowed; and
 - (D) for which no management decision has been made by the end of the reporting period;
 - (9) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management, for audit reports —
 - (A) for which no management decision had been made by the commencement of the reporting period;
 - (B) which were issued during the reporting period;
 - (C) for which a management decision was made during the reporting period, including —
 - (i) the dollar value of recommendations that were agreed to by management; and
 - (ii) the dollar value of recommendations that were not agreed to by management; and
 - (D) for which no management decision has been made by the end of the reporting period;
 - (10) a summary of each audit report issued before the commencement of the reporting period for which no management decision has been made by the end of the reporting period (including the date and title of each such report), an explanation of the reasons such management decision has not been made, and a statement concerning the desired timetable for achieving a management decision on each such report;
 - (11) a description and explanation of the reasons for any significant revised management decision made during the reporting period; and
 - (12) information concerning any significant management decision with which the Inspector General is in disagreement.
- (b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate committees or subcommittees of the Congress within

thirty days after receipt of the report, together with a report by the head of the establishment containing —

- (1) any comments such head determines appropriate;
- (2) statistical tables showing the total number of audit reports and the dollar value of disallowed costs, for audit reports —
 - (A) for which final action had not been taken by the commencement of the reporting period;
 - (B) on which management decisions were made during the reporting period;
 - (C) for which final action was taken during the reporting period, including —
 - (i) the dollar value of disallowed costs that were recovered by management through collection, offset, property in lieu of cash, or otherwise; and
 - (ii) the dollar value of disallowed costs that were written off by management; and
 - (D) for which no final action has been taken by the end of the reporting period;
- (3) statistical tables showing the total number of audit reports and the dollar value of recommendations that funds be put to better use by management agreed to in a management decision, for audit reports —
 - (A) for which final action had not been taken by the commencement of the reporting period;
 - (B) on which management decisions were made during the reporting period;
 - (C) for which final action was taken during the reporting period, including —
 - (i) the dollar value of recommendations that were actually completed; and
 - (ii) the dollar value of recommendations that management has subsequently concluded should not or could not be implemented or completed; and
 - (D) for which no final action has been taken by the end of the reporting period; and

(4) a statement with respect to audit reports on which management decisions have been made but final action has not been taken, other than audit reports on which a management decision was made within the preceding year, containing —

(A) a list of such audit reports and the date each such report was issued;

(B) the dollar value of disallowed costs for each report;

(C) the dollar value of recommendations that funds be put to better use agreed to by management for each report; and

(D) an explanation of the reasons final action has not been taken with respect to each such audit report, except that such statement may exclude such audit reports that are under formal administrative or judicial appeal or upon which management of an establishment has agreed to pursue a legislative solution, but shall identify the number of reports in each category so excluded.

(c) Within 60 days of the transmission of the semiannual reports of each Inspector General to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost. Within 60 days after the transmission of the semiannual reports of each establishment head to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost.

(d) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the head of the establishment containing any comments such head deems appropriate.

(e)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is —

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

(3) Except to the extent and in the manner provided under section 6103(f) of the Internal Revenue Code of 1986 [26 U.S.C.A. § 6103(f)], nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.

(f) As used in this section —

(1) the term “questioned cost” means a cost that is questioned by the Office because of —

(A) an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds;

(B) a finding that, at the time of the audit, such cost is not supported by adequate documentation; or

(C) a finding that the expenditure of funds for the intended purpose is unnecessary or unreasonable;

(2) the term “unsupported cost” means a cost that is questioned by the Office because the Office found that, at the time of the audit, such cost is not supported by adequate documentation;

(3) the term “disallowed cost” means a questioned cost that management, in a management decision, has sustained or agreed should not be charged to the Government;

(4) the term “recommendation that funds be put to better use” means a recommendation by the Office that funds could be used more efficiently if management of an establishment took actions to implement and complete the recommendation, including —

(A) reductions in outlays;

(B) deobligation of funds from programs or operations;

(C) withdrawal of interest subsidy costs on loans or loan guarantees, insurance, or bonds;

(D) costs not incurred by implementing recommended improvements related to the operations of the establishment, a contractor or grantee;

(E) avoidance of unnecessary expenditures noted in preaward reviews of contract or grant agreements; or

(F) any other savings which are specifically identified.

(5) the term “management decision” means the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary; and

(6) the term “final action” means —

(A) the completion of all actions that the management of an establishment has concluded, in its management decision, are necessary with respect to the findings and recommendations included in an audit report; and

(B) in the event that the management of an establishment concludes no action is necessary, final action occurs when a management decision has been made.

§ 6. Authority of Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment

(a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized —

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from many Federal, State, or local governmental agency or unit thereof;

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: Provided, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an employee of an Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

(6) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act.

(7) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of Title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(8) to obtain services as authorized by section 3109 of Title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of Title 5, United States Code; and

(9) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General,

or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d) For purposes of the provisions of Title 5, United States Code, governing the Senior Executive Service, any reference in such provisions to the “appointing authority” for a member of the Senior Executive Service or for a Senior Executive Service position shall, if such member or position is or would be within the Office of an Inspector General, be deemed to be a reference to such Inspector General.

(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to —

(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or

seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(5)(A) Powers authorized for an Office of Inspector General under paragraph (1) may be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (4).

(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.

(b) PROMULGATION OF INITIAL GUIDELINES-

(1) DEFINITION- In this subsection, the term 'memoranda of understanding' means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) that —

(A) are in effect on the date of enactment of this Act; and

(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

(2) IN GENERAL- Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate

guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

(3) **MINIMUM REQUIREMENTS-** The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

(4) **NO LAPSE OF AUTHORITY-** The memoranda of understanding in effect on the date of enactment of this Act shall remain in effect until the guidelines promulgated under this subsection take effect.

(c) **EFFECTIVE DATES-**

(1) **IN GENERAL-** Subsection (a) shall take effect 180 days after the date of enactment of this Act.

(2) **INITIAL GUIDELINES-** Subsection (b) shall take effect on the date of enactment of this Act.

§ 7. Complaints by employees, disclosure of identity; reprisals

(a) The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

(b) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

§ 8 B. Special provisions concerning the Nuclear Regulatory Commission

(a) The Chairman of the Commission may delegate the authority specified in the second sentence of section 3(a) to another member of the Nuclear Regulatory Commission, but shall not delegate such authority to any other officer or employee of the Commission.

(b) Notwithstanding sections 6(a)(7) and (8), the Inspector General of the Nuclear Regulatory Commission is authorized to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers and duties of the Office of Inspector General and to obtain the temporary or intermittent services of experts or consultants or an organization thereof, subject to the applicable laws and regulations that govern such selections, appointments and employment, and the obtaining of such services, within the Nuclear Regulatory Commission.

(Added Pub.L. 100-504, Title I, § 102(f), Oct. 18, 1988, 102 Stat. 2517.)

§ 9. Transfer of functions

(a) There shall be transferred —

(1) to the Office of Inspector General — ...

(Q) of the Nuclear Regulatory Commission, the office of that commission referred to as the “Office of Inspector and Auditor”; ...
and

(2) such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of the Act, except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating

to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act [Oct. 1, 1978], held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

OIG APPROPRIATIONS

31 U.S.C. § 1105 - Budget Contents and Submission to Congress

(a) ... the President shall submit a budget of the United States Government for the following fiscal year... The President shall include in each budget the following: ... (25) a separate appropriation account for appropriations for each Office of Inspector General ...

The NRC OIG Hotline

The Office of the Inspector General at NRC established the Hotline Program to provide the NRC employees, other Government employees, licensee/utility employees, contractor employees and the public with a confidential means of reporting suspicious activity to the OIG concerning fraud, waste, abuse, employee or management misconduct. Mismanagement of agency programs or danger to public health and safety may also be reported through the Hotline.

We do not attempt to identify persons contacting the Hotline. Persons may contact the OIG by telephone, through an on-line form, via the NRC public Web site www.nrc.gov or by mail. There is no caller identification feature associated with the Hotline or any other telephone line in the Inspector General's office. No identifying information is captured when you submit an on-line form. You may provide your name, address, or phone number, if you wish.

What should be reported:

- Contract and Procurement Irregularities
- Abuse of Authority
- Conflicts of Interest
- Misuse of Government Credit Card
- Theft and Misuse of Property
- Time and Attendance Abuse
- Travel Fraud
- Misuse of Information Technology Resources
- Misconduct
- Program Mismanagement

Call:

OIG Hotline

1-800-233-3497
9:00 a.m. - 4:00 p.m. (EST)
After hours, please leave a message

Submit:

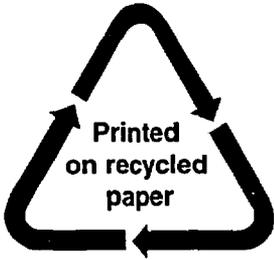
On-Line Form

Access by: logging onto www.nrc.gov
Click on Inspector General
Click on OIG Hotline phone symbol

or

Write:

U.S. Nuclear Regulatory Commission
Office of the Inspector General
Hotline Program
Mail Stop T-5 D28
11545 Rockville Pike
Rockville, MD 20852-2738



Federal Recycling Program



NUREG/BR-0146, Rev. 3
August 2003