

Regional Office Instruction No. 1004, Revision 2

NOTIFICATION TO THE OFFICE OF INVESTIGATIONS OF POTENTIAL WRONGDOING

A. Purpose:

To inform the staff of the requirement to notify the Office of Investigations of potential wrongdoing by licensees or their contractors and the process to be used for such notification.

B. Discussion:

Management Directive 8.8 (MD 8.8), Management of Allegations, requires that the Office of Investigation (OI) be promptly notified when the staff is aware of an allegation issue that could potentially involve wrongdoing on the part of licensees or other affected organizations or their contractors.

Wrongdoing is defined in MD 8.8 as consisting of either (a) intentional violations of regulatory requirements or (b) violations resulting from careless disregard of or reckless indifference to regulatory requirements, or both (a) and (b). A reasonable basis for belief of wrongdoing exists when, from the circumstances surrounding it, a violation of a regulatory requirement appears more likely to have been intentional or to have resulted from careless disregard or reckless indifference than from error or oversight. All matters that involve wrongdoing must be reviewed with OI.

Examples of actions by a licensee or licensee contractor which are indicative of potential wrongdoing are record falsifications; false statements; cheating on examinations; discrimination for raising safety concerns; and other such matters, especially when it appears that management is involved or is knowledgeable of the alleged wrongdoing.

C. Action:

The Allegation Review Panel (ARP) will normally be used as the means to make the required notification to OI. Following ARP review of the known facts and circumstances associated with alleged wrongdoing, OI will

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evaluate those facts to determine if a formal investigation is warranted.

The Enforcement and Investigation Coordination Staff (EICS) is responsible for coordination and liaison with the Region II OI Field Office. As such, issues of alleged wrongdoing that are not formally reviewed in an ARP will be coordinated with OI by the EICS. Such cases may arise as a result of direct inspection activity that could be reviewed by an Enforcement Panel.

Region II staff will normally report potential matters of alleged wrongdoing in a written Allegation Report. However, matters of alleged wrongdoing developed through direct inspection activity will be reported to the EICS which will, in turn, conduct the appropriate coordination with OI. This does not, however, preclude the staff from reporting the matter directly to OI when circumstances warrant such direct and immediate notification.

In those cases where the staff directly notifies OI of a potential wrongdoing matter, the Director, EICS, will be notified of the contact and the nature of the matter as soon as possible following the notification to OI.

The Director, EICS, will ensure that the Regional Administrator and Deputy Regional Administrator are informed of any notification to OI of potential matters of wrongdoing. The Director, EICS, will also inform other staff members as appropriate.

D. Contact:

Any questions or comments concerning this Instruction should be directed to the Director, EICS, at extension 15505.

E. Effective Date:

This Instruction is effective upon issuance and supersedes ROI No. 1004, Rev. 1, dated December 7, 1992.

Stewart D. Ebnetter
Regional Administrator

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CEvans
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06/ /94

LReyes
06/ /94

DAFFY NO: 94-1771

CONCURRENCE:

BUryc_____

CEvans_____

JVorse_____

DRA:LReyes_____

SIGNATURE: RA