

June 17, 1999

Regional Office Instruction No. 1004, Revision 3

NOTIFICATION TO THE OFFICE OF INVESTIGATIONS OF POTENTIAL WRONGDOING

A. Purpose:

To inform the staff of the requirement to notify the Office of Investigations (OI) of potential wrongdoing by licensees or their contractors and the process to be used for such notification. This Regional Office Instruction (ROI) has been revised to reflect the most recent revision to Management Directive (MD) 8.8, Management of Allegations.

B. Discussion:

MD 8.8 requires that 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 an intentional violation of regulatory requirements or a violation resulting from careless disregard of or reckless indifference to regulatory requirements, or both. 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 under Section 211 of the Energy Reorganization Act for raising safety concerns, and other such matters, regardless of whether supervision or management was involved. However, potential wrongdoing involving any licensee official (first line supervisor and above) has increased significance.

C. Action:

Cases of potential wrongdoing may arise as a result of direct inspection activity or from an allegation. When the Region II staff becomes aware of a potential matter of alleged wrongdoing, the issue should be promptly discussed with the appropriate Branch Chief and the Enforcement Officer. Region II staff will normally document potential matters of alleged wrongdoing in a written Allegation Report, to be provided to the Enforcement Officer or the Senior Allegation Coordinator. 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 Enforcement Officer will be notified of the contact and the nature of the matter as soon as possible following the notification to OI.

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The Region II Enforcement Officer is responsible for coordination and liaison with the Region II OI Field Office for all matters of alleged wrongdoing. The Allegation Review Board (ARB) will normally be used as the means to make the required notification to OI. OI and the Regional staff will discuss the allegation at an ARB meeting, usually to be held within 30 calendar days of receipt of the allegation, at which time, OI will notify the staff of whether or not a formal investigation is warranted. Notwithstanding the ARB process, the Regional Administrator may request OI to conduct an investigation on a particular case.

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

D. Contact:

Any questions or comments concerning this Instruction should be directed to the Enforcement Officer at extension 24421.

E. Effective Date:

This Instruction is effective upon issuance and supersedes ROI No. 1004, Rev. 2, dated July 12, 1994.

Original signed by LAR

Luis A. Reyes
Regional Administrator

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