



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 12, 1999

SECY
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The Honorable Christopher J. Dodd
United States Senate
Washington, D.C. 20510

Dear Senator Dodd:

As I indicated in my letter of January 7, 1999, concerning the Inspector General's (IG) Event Inquiry on the "NRC Staff's Handling of Harassment and Intimidation (H&I) Complaints at Millstone," I am committed to pursuing the issues raised by the IG. In this connection, I have asked the NRC staff to review the IG's report and develop lessons learned, recommendations for improvement, corrective actions, and provide answers to specific questions attached to my tasking memorandum. They are asked to reply by January 22, 1999. My tasking memorandum to the staff is enclosed.

I have also received your January 12, 1999, letter in which you urge consideration of several actions to address the IG's conclusions. The Commission will add these to the list of issues to which the NRC staff will respond.

Following the NRC staff's response, I will keep you informed regarding what additional steps we will take at the NRC. If you have any questions, please do not hesitate to contact me.

Sincerely,

Shirley Ann Jackson
Shirley Ann Jackson

Enclosure:
As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 12, 1999

The Honorable Joseph I. Lieberman
United States Senate
Washington, D.C. 20510

Dear Senator Lieberman:

As I indicated in my letter of January 7, 1999, concerning the Inspector General's (IG) Event Inquiry on the "NRC Staff's Handling of Harassment and Intimidation (H&I) Complaints at Millstone," I am committed to pursuing the issues raised by the IG. In this connection, I have asked the NRC staff to review the IG's report and develop lessons learned, recommendations for improvement, corrective actions, and provide answers to specific questions attached to my tasking memorandum. They are asked to reply by January 22, 1999. My tasking memorandum to the staff is enclosed.

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Shirley Ann Jackson

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January 12, 1999

The Honorable Sam Gejdenson
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Gejdenson:

As I indicated in my letter of January 7, 1999, concerning the Inspector General's (IG) Event Inquiry on the "NRC Staff's Handling of Harassment and Intimidation (H&I) Complaints at Millstone," I am committed to pursuing the issues raised by the IG. In this connection, I have asked the NRC staff to review the IG's report and develop lessons learned, recommendations for improvement, corrective actions, and provide answers to specific questions attached to my tasking memorandum. They are asked to reply by January 22, 1999. My tasking memorandum to the staff is enclosed.

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Sincerely,

Shirley Ann Jackson

Enclosure:
As stated



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 7, 1999

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Shirley Ann Jackson *Shirley Ann Jackson*

SUBJECT: OFFICE OF INSPECTOR GENERAL EVENT INQUIRY, CASE
NO. 99-01S, NRC STAFF'S HANDLING OF HARASSMENT AND
INTIMIDATION (H&I) COMPLAINTS AT MILLSTONE,
DECEMBER 31, 1998

I am providing the attached Office of Inspector General Event Inquiry, Case No. 99-01S, NRC's Handling of Harassment and Intimidation (H&I) Complaints at Millstone, for your review. Based on your review, please provide your lessons learned, any recommendations for improvement, any corrective actions, dates for implementation of corrective actions, and any other information that may be pertinent to this matter, no later than Friday, January 22, 1999. Additionally, as part of your reply, please include responses to the attached questions.

In that the time frame provided for your responses is expedited, any recommendations for improvement, procedure changes, or corrective actions may be implemented, if necessary, after January 22, 1999.

Attachments: As stated

cc: Commissioner Dicus (w/o attachment)
Commissioner Diaz (w/o attachment)
Commissioner McGaffigan (w/o attachment)
Commissioner Merrifield (w/o attachment)
Hubert Bell, IG (w/o attachment)
OGC (w/o attachment)
OCA (w/o attachment)
CFO (w/o attachment)
CIO (w/o attachment)

Questions Concerning Office of Inspector General Event Inquiry, Case No. 99-01S,
NRC Staff's Handling of Harassment and Intimidation (H&I) Complaints at Millstone

Should OI analyses and conclusions be added to OI reports following a Department of Justice (DOJ) prosecutorial decision? If not, why not?

If OI analyses and conclusions are not going to be added to OI reports following a prosecutorial decision, but rather articulated orally by OI representatives during enforcement panels and similar meetings with the NRC staff, what steps should be taken to preserve the views or official positions of OI to the extent they provide the bases for NRC enforcement actions? Should the oral views be documented? How should this information be made available to agency officials involved in enforcement action decisions? What special precautions are necessary in handling the information to ensure it is not leaked?

Are synopses, conclusions, or agents' analyses excluded from all OI reports (cases) that are referred to a U.S. Attorney's office? If so, why? How long has this been a practice?

The senior OGC attorney who headed up the NRC workforce reduction process task force and who was a proponent for proceeding with an enforcement action in OI case 1-96-007 at the December 2, 1997, enforcement panel, was not informed of the June 9, 1998, enforcement panel. Should steps be taken to ensure continuity of the same office representatives, if possible, at all subsequent enforcement panels concerning a particular case? If so, what steps should be taken?

What steps should be taken to ensure documentation of the reasons/bases for changes in enforcement panel decisions on a particular case? Who is responsible for preparing and retaining such documentation?

What steps should be taken to ensure that parties at a subsequent enforcement panel on a particular case review decisions and rationales for the decision made at prior enforcement panels on the same case?

What is the standard for determining whether harassment and intimidation or a 10 C.F.R. 50.7 violation has occurred (e.g., more likely than not, no doubt, a consensus, etc.)?

How are enforcement decisions made (e.g., through consensus, majority rules, OE or OGC has final say, polling, etc.)? What weaknesses are evident from your review of the OIG's description of the enforcement panel meetings? How should this process be improved?

Should the official position of each office that participated in an enforcement panel be documented?

Who ultimately is responsible or accountable for an enforcement decision?

Although the Region I OI Field Office Director believed that the claim of H&I had been substantiated in OI case 1-97-007, how did the July 28, 1998, enforcement panel reach the conclusion that no enforcement action was warranted? Were the panel's reasons for its conclusion documented? Did OI challenge the decision of the panel? If not, why not?

On what basis does the Department of Justice advise the Chairman and Commissioners against having their staffs present and against taking notes at and retaining notes from closed investigative briefings?

What improvements should be made in briefing the Commission on investigative matters to enhance continuity of knowledge and inform the Commission of significant changes in the disposition of cases? How should communication in closed investigative briefings be improved such that the Commission can stay informed on a particular case from briefing to briefing, can be apprised of any changes in the case from briefing to briefing, and can ensure that there is appropriate continuity regarding the case?

The event inquiry (p. 17, paragraph 6) concluded that a number of allegeders were informed that their claims of discrimination were not substantiated even though no investigation of their individual allegations was conducted. The OIG inquiry indicated that because NRC did not conduct an investigation into these allegations, the NRC staff had insufficient information on which to base this conclusion. Should all allegations of discrimination be investigated in order to make individual determinations as to whether each allegation is substantiated?