



## Department of Energy

Washington, DC 20585

June 20, 1997

Dr. Carl J. Paperiello, Director  
Office of Nuclear Material Safety  
and Safeguards  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Dr. Paperiello:

In its April 10, 1995, letter to the Office of Civilian Radioactive Waste Management (OCRWM), the Nuclear Regulatory Commission (NRC) indicated that it would communicate allegations it received of harassment and intimidation (H&I) of DOE and DOE contractor personnel directly to the OCRWM Director of Quality Assurance. Subsequent to that letter, the NRC's Office of Inspector General issued an audit report addressing NRC's process for handling allegations related to the OCRWM program. In their report, the NRC Office of Inspector General recommended that the NRC take steps to ensure that an independent DOE organization investigate H&I allegations related to the OCRWM program.

On February 21, 1996, the NRC informed OCRWM that they were changing their process for referring H&I allegations related to the OCRWM program. Specifically, the NRC informed us that any H&I allegations it received from DOE or DOE contractor personnel would be provided to the DOE Inspector General, consistent with the recommendation made by the NRC's Office of Inspector General.

Since that time, OCRWM has worked with the DOE's Office of Inspector General concerning the nature and scope of information to be exchanged between our two offices concerning H&I allegations. Our primary concern was that we have the ability to respond effectively to NRC inquiries concerning these matters. The DOE's Office of Inspector General and OCRWM have reached an agreement on the exchange of information, a copy of which is enclosed. Briefly, the DOE's Office of Inspector General will notify OCRWM of H&I allegations as soon as reasonably practicable, unless the nature of the complaint precludes doing so until after the investigation is concluded. We have been assured that if an allegation involves credible information raising a significant or imminent environment, safety or health concern, the DOE's Office of Inspector General will make every effort to inform us of the matter so that we may take timely and effective action to address the issue.

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Should you have any questions, please feel free to contact Mr. Donald Horton of my staff at 702/794-5568.

Sincerely,



Lake H. Barrett, Acting Director  
Office of Civilian Radioactive  
Waste Management

Enclosure

cc:

R. Loux, State of Nevada  
P. Price, Nevada Legislative Committee  
J. Meder, Nevada Legislative Committee  
W. Barnes, YMPO  
C. Einberg, DOE/Washington, DC  
M. Murphy, Nye County, NV  
M. Baughman, Lincoln County, NV  
D. Bechtel, Clark County, NV  
D. Weigel, GAO  
P. Niedzielski-Eichner, Nye County, NV  
M. Stellavato, Nye County, NV  
B. Mettam, Inyo County, CA  
V. Poe, Mineral County, NV  
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R. Williams, Lander County, NV  
L. Fiorenzi, Eureka County, NV  
J. Hoffman, Esmeralda County, NV  
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S. Brocoum, YMPO  
R. Arnold, Pahrump, NV  
J. Lyznicki, AMA  
M. Conley, IG/DOH

United States Government

Department of Energy

# Memorandum

DATE: May 14, 1997

REPLY TO: IG-1  
ATTN OF:SUBJECT: Exchange of Information Between the Office of Inspector General and the Office of  
Civilian Radioactive Waste Management

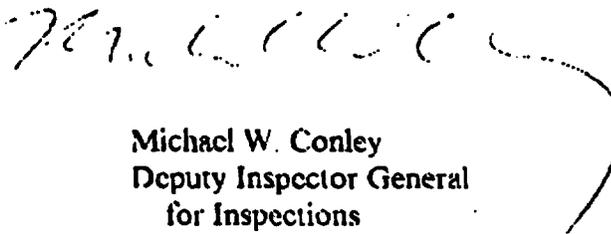
TO: Acting Director, Office of Civilian Radioactive Waste Management

By memorandum dated May 25, 1995, the Office of Civilian Radioactive Waste Management (OCRWM) initiated discussions with the Office of Inspector General (OIG) concerning the appropriate exchange of information between the two offices regarding harassment and intimidation (H&I) complaints received by the offices. OCRWM expressed a need to be able to effectively respond to possible Nuclear Regulatory Commission inquiries about any such OCRWM-related complaints because of precicensing consultation and future licensing activities. Our offices subsequently have had a number of discussions about the roles of our respective offices in processing these OCRWM-related complaints, and the following provides our views regarding the circumstances under which the OIG will provide information to OCRWM.

As a general principle, the OIG will notify OCRWM of OCRWM-related H&I complaints as soon as practicable given operational constraints and considerations. If the OIG determines that it cannot advise OCRWM of an H&I complaint while any inquiry is ongoing, then at the conclusion of the inquiry, unless the Inspector General determines otherwise, the OIG will advise OCRWM of the complaint.

The OIG typically will refer OCRWM-related management concerns to OCRWM for appropriate action and possibly response to the OIG. However, if such a referral might interfere with OIG action in a matter, the OIG will share with OCRWM only that level of information that will not interfere with the ongoing OIG action. If an allegation involves credible information raising a significant or imminent environment, safety, or health concern which OCRWM would be responsible to address, the OIG will make every effort to inform OCRWM immediately so that the matter can be addressed by OCRWM in a timely manner.

Please feel free to contact this office with any issues or concerns related to this matter.

  
Michael W. Conley  
Deputy Inspector General  
for Inspections  
Office of Inspector General

