



# BACKGROUND

Office of Public Affairs

301.415.8200



[www.nrc.gov](http://www.nrc.gov) ■ [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov)

## Allegations

The NRC regulates the operation of commercial nuclear power plants and thousands of materials licensees in the United States. While the agency's inspections and oversight ensure protection of the public health and safety, the knowledge, operating experience and insight of workers in the nuclear industry are the first line of defense against accidents. The NRC believes that all workers should feel free to raise safety issues with their employers or to bring their concerns directly to the NRC.

The NRC, the nuclear industry and the public have benefitted from issues raised by employees of licensees and their contractors. Because licensees, not the NRC, have the first responsibility for safety, the NRC encourages employees to raise safety concerns first with their employer or the licensee. Members of the public or people working in NRC-regulated activities may also report safety concerns directly to the NRC by discussing the issues with an NRC staff member, calling the **NRC's Safety Hotline 800-695-7403**, sending an email to [allegation@nrc.gov](mailto:allegation@nrc.gov) or writing a letter to the NRC.

The NRC's allegation program strives to review all allegations to ensure that safety concerns are addressed thoroughly, accurately, and in as timely a manner as possible. More information on the allegation program is available on the [NRC's website](#).<sup>1</sup>

### Discussion

An allegation is a declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activities, the validity of which has not been established. Allegations may cover many different concerns, including potential safety issues, non-conformance with licensee or certificate holder requirements, discrimination, and concerns about the ability of employees to raise safety issues.

The NRC has several Allegation Coordinators at headquarters and each regional office assigned to coordinate the evaluation of safety concerns reported to the agency. Any NRC employee who receives an allegation is required to forward the safety concern promptly to an Allegation Coordinator.

The Allegation Coordinator convenes an Allegation Review Board to look into the claims. The board may perform an inspection or investigation, refer the issue to another federal or state agency, request that the licensee review the concern, or determine that no action is necessary.

If an allegation raises a significant safety concern requiring immediate action to protect the health and safety of the public, the NRC immediately asks the licensee to investigate the matter and take prompt corrective action.

For allegations that do not involve wrongdoing or a concern of discrimination, or for safety concerns that are not complex, the NRC's goal is to complete its evaluation within six months. Complex safety concerns may require more time to resolve.

Once the NRC completes its evaluation, the person who raised the concern is notified of the agency's conclusions. If the review takes longer than six months, the NRC will update the allegor on the status of the review.

## **Discrimination**

Retaliation by employers against workers who report safety concerns can create a "chilling effect" that discourages workers from raising other safety issues. If this happens, a valuable source of information for improving safety is potentially lost. The NRC's regulatory process seeks to protect nuclear industry employees from being subjected to retaliation for raising safety concerns to a licensee or the NRC. Discrimination against an employee for raising safety concerns is prohibited by NRC regulations.<sup>ii</sup> Discrimination includes firing and other actions that relate to compensation or terms, conditions, and privileges of employment. Employers under the agency's authority are subject to enforcement action by the NRC for violations of these prohibitions by the licensee or its contractors and subcontractors.

If the Allegation Review Board determines that an allegor has raised a discrimination concern that warrants NRC evaluation, the agency may offer the allegor and the licensee mediation through Alternative Dispute Resolution. The NRC believes using ADR early in the process promotes a safety conscious work environment by helping resolve concerns quickly. If both the allegor and the employer agree to participate, a neutral mediator will help them settle the dispute. The aim is to reach settlement within 90 days of agreeing to mediate. The process is completely voluntary and any party may withdraw at any time. If the parties reach a settlement, the NRC, subject to certain conditions, will not conduct an investigation or take enforcement action relating to the discrimination allegation.

Should any party not wish to participate in ADR, the NRC Office of Investigations will look into the discrimination allegation. An investigator will interview the allegor and other witnesses and review relevant documentation. A report of the investigation's findings is provided to responsible NRC staff for a final agency decision.

Even if a discrimination complaint is substantiated, the NRC does not have authority to provide a personal remedy, such as reinstatement or back pay, to an employee. An employee who believes discrimination has occurred may seek a personal remedy by filing a complaint within 180 days of the discriminatory act or of being informed about the discriminatory act (whichever occurred first) with the Department of Labor's Occupational Safety and Health Administration. Remedies may also be available through state regulations.

## **Protection of an Allegor's Identity**

The identity of an individual submitting an allegation to the NRC is not disclosed publicly and is treated within the agency as need-to-know information, so only those NRC staff with an actual need have access to the information. Files containing an allegor's identity are under the control of the Allegation Coordinator. Additionally, allegor names are generally not used during the Allegation Review Board meetings, and NRC employees who receive the names of the allegors are advised of the importance of protecting their identity.

Rarely, the identity of an individual providing an allegation is released. Specifically, an alleged's identity may be disclosed if:

- disclosure is necessary to ensure public health and safety;
- disclosure is necessary due to an order of a court or NRC adjudicatory authority or to inform Congress, state, or federal agencies;
- disclosure is mandated by the Freedom of Information Act;
- disclosure is necessary to support a hearing on an enforcement matter; or
- the individual goes public with the safety claims.

Additionally, for allegations involving wrongdoing, the individual's identity may be disclosed at the NRC's discretion in order to pursue the investigation. For discrimination allegations, the NRC discloses the alleged's identity during any related NRC investigation as it would otherwise be impossible to pursue the concern. Therefore, the NRC normally does not investigate a discrimination concern if the alleged requests that his or her name be kept confidential or refuses to disclose his or her identity.

### **Waste, Fraud, or Abuse by NRC Employees**

If a member of the public or someone working in NRC-regulated activities believes an NRC employee is involved with waste, fraud, or abuse, the matter should be reported to the Office of the Inspector General through its Hotline, **1-800-233-3497**. If a concern of waste, fraud, or abuse is reported to an NRC staff member outside the OIG, it is referred to OIG and is not processed as an allegation. Only OIG can provide the status of a concern involving waste, fraud, or abuse.

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<sup>i</sup> The NRC's guidance for tracking and resolving allegations is described in [Management Directive 8.8](#), "Management of Allegations."

<sup>ii</sup> [10 CFR](#) 19.20, 30.7, 40.7, 50.7, 52.5, 60.9, 61.9, 63.9, 70.7, 71.9, 72.10, 76.7 and 150.20.