

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 19, 2007 15:30

PAPER NUMBER: LTR-07-0635 **LOGGING DATE:** 09/19/2007

ACTION OFFICE: EDO

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SUBJECT: Updated file contains all you want to know about the social security administration IG's assessment of NRC OI

ACTION: Appropriate

DISTRIBUTION: Chairman, Comrs, OGC, OIG

LETTER DATE: 09/08/2007

ACKNOWLEDGED: No

SPECIAL HANDLING: Made publicly available in ADAMS via EDO/DPC

NOTES:

FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

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Date: 9/8/2007 10:58:05 PM
Subject: UPDATED FILE CONTAINS ALL YOU WANT TO KNOW ABOUT THE SOCIAL SECURITY ADMINISTRATION IG'S ASSESSMENT OF NRC OI

NRC personnel, please distribute this e-mail and attached file to the Commissioners, EDO, and OGC, and place the attached file in the ADAMS document control system. There is more than enough information here for you to take action on.

James E. Foster

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NRC OFFICE OF INVESTIGATIONS (OI) SERIES 1811 MISCLASSIFICATION

Overview

Nuclear Regulatory Commission (NRC) employees have obtained criminal investigator job classifications which are not warranted by their positions, which involve only civil investigations of "wrongdoing," defined as an "intentional violation of regulatory requirements or a violation resulting from "careless disregard" of, or "reckless indifference" to, regulatory requirements. This was done through an eight-year (09/75 - 05/84) exchange of misleading letters with the Civil Service Commission and its' successor, the Office of Personnel Management (OPM).

NRC Office of Investigations Special Agents' duties consist of non-custodial interviews with cooperative witnesses and document reviews of regulatory violations. For over nineteen years (1982-2001) they did not have criminal investigative authority, arrest powers or a need to carry weapons, and only one OI Special Agent was deputized (see below for more recent information) In March 2007, the OI Director admitted that OI personnel have never performed a single arrest. Due to their improper classification, GS-1811-12/13/14/15, they get premium pay, early retirement, 25% availability pay, and, unlike at other agencies, consider the first two hours at home as their qualifying time for availability pay. "Never Before Have Federal Investigators Done So Little For So Much!"

A very conservative analysis puts the value of these unjustified benefits at well over \$700,000 per year; this has gone on for some 25 years (\$17,500,000). The short story is that the NRC has misled OPM (and others) and the NRC Inspector General has allowed this to go on.

General inquiries to the NRC have brought the response that the NRC Inspector General has looked into the matter, and the matter is closed. The NRC should answer these simple questions:

- (1) What is the statutory basis for NRC criminal investigative authority?
- (2) Do these Investigators investigate individuals suspected of or convicted of violating major violations of the criminal laws of the United States?
- (3) How many criminal investigations have been conducted, each year during 1981-2007? What percentage of the investigative workload does this reflect?
- (4) Do these investigators have the authority to carry weapons, the authority to arrest, seize evidence, give Miranda warnings, and execute search warrants?
- (5) How many search warrants have been executed by NRC personnel? How many wiretaps?
- (6) Do these investigators have a "rigorous" position which includes unusual physical hazards due to frequent contacts with criminals (in non-controlled settings) and suspected criminals, working for long periods without a break, and being in on-call status 24 hours a day? What physical criteria must be met? What is the justification for certifying these positions as rigorous?
- (7) How can NRC justify the considerable additional expense of classifying these positions as Criminal Investigators if they perform civil investigations?
- (8) Was the information provided to justify OI deputations valid?

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Subject: UPDATED FILE CONTAINS ALL YOU WANT TO KNOW ABOUT
THE SOCIAL SECURITY ADMINISTRATION IG'S ASSESSMENT OF NRC OI

Creation Date 9/8/2007 10:57:21 PM

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