

# NRC Allegation Program

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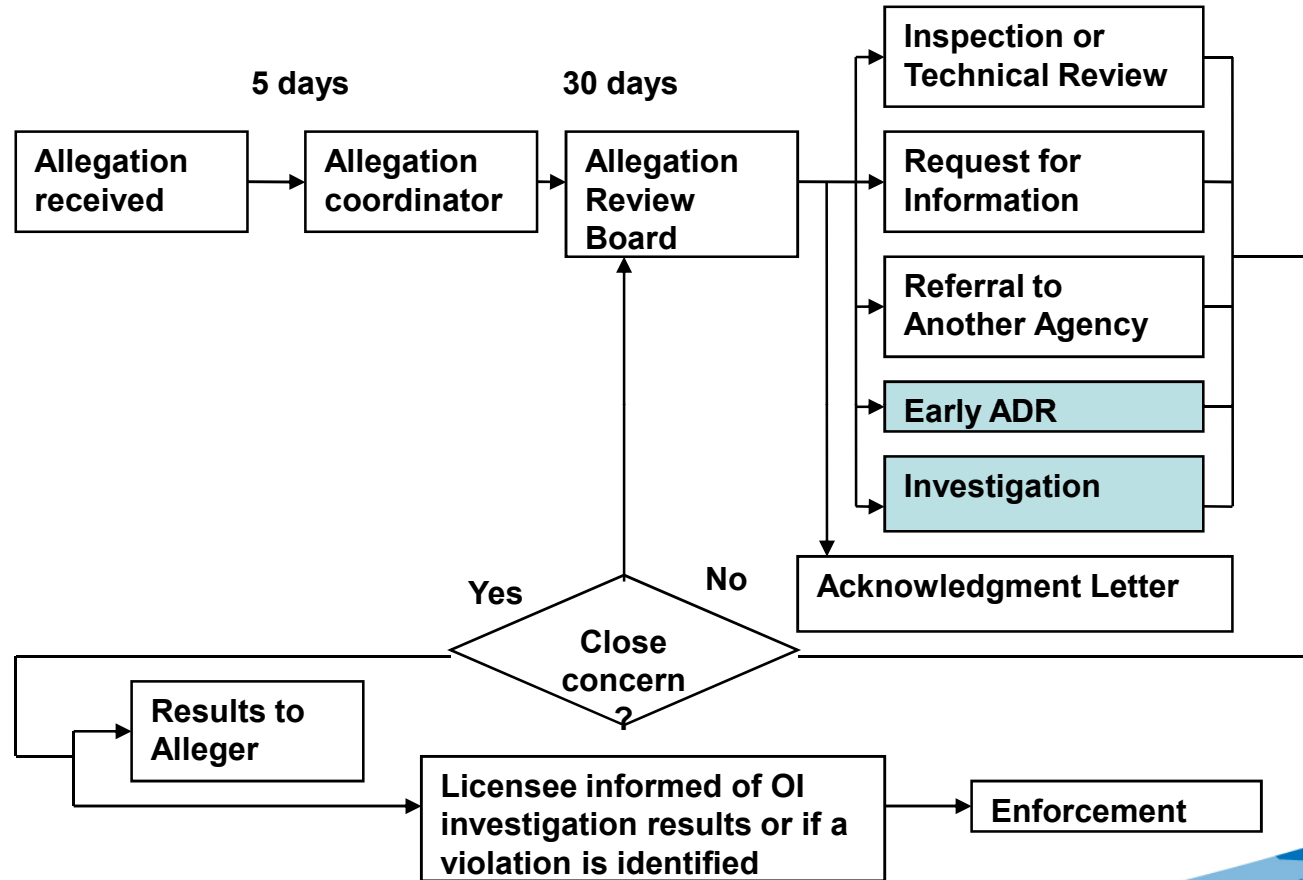
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**NRR, NSIR, NRO**

**NUPIC – June 2009**

# What is an allegation?

- A declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activity, the validity of which has not been established
  - Low threshold, not risk-based, not screened out by safety significance
  - Does not need to be a violation
- There are exceptions, e.g., issues NRC has already reviewed, issues in other formal processes (2.206 petitions), items provided to NRC by licensee employees acting in their official capacity (other than wrongdoing)

# Allegation Program – Process



# Allegation Program – Licensee Involvement

- Request for Information (RFI) – Technical Issues
  - As much detail as possible – protect allover identity
  - Additional questions, as appropriate
  - 30-day response
  - Share information on a “need-to-know” basis
  - Redact privacy/proprietary information from response
  - Evaluator qualified and independent
  - Evaluation is of sufficient scope/depth to determine validity
    - Generic implications considered
  - If substantiated, identify root/contributing causes and corrective actions as appropriate

# Allegation Program – Licensee Involvement (cont.)



- RFI Letter - Licensee Response
  - Describe how the following attributes were satisfied
    - Evaluator independence
    - Evaluator proficiency
    - Evaluation of sufficient scope/depth
  - Provide basis for determining number and cross-section of individuals interviewed and describe content of interview questions
  - Contact NRC prior to or shortly after initiating evaluation of concern(s) to ensure understanding of:
    - Scope of concern(s)
    - Staff's expectations for follow-up

# Allegation Program – Early Alternative Dispute Resolution (ADR)

- **Voluntary**: If there is a *prima facie* case of discrimination, NRC will offer mediation with the employer – participation is voluntary for both parties. NRC pays for the mediator.
- **Confidential**: Mediation activities are confidential; confidentiality does not restrict reporting safety concerns.
- **Settlements**: Settlements agreeable to the NRC will constitute final NRC action – no investigation or enforcement action.

# Policy – Response to Security Allegations

- **Category I - Concerns that involve a potential generic industry security vulnerability**
  - Letter to allegor will reiterate issues raised, but staff actions/conclusions regarding concern validity will not be described
- **Category II - Security-related concerns that, if true, would constitute more than a minor finding or violation**
  - Letter to allegor will state whether findings were identified and deficiencies corrected, but without detail regarding specific concern validity. Response provided once required compensatory action, if any, are in place.
  - If requested and the allegor is a security force member at the facility, the staff will discuss agency actions/conclusions regarding specific concerns. Employment and position verification will not be sought without prior permission from the allegor.
- **Category III - If true, would, at most, constitute a minor finding or violation**
  - Letter to allegor will describe staff actions/conclusions regarding concern validity, but not a description of compensatory actions, if any are taken. Response provided once required compensatory actions, if any, are in place.
  - If requested and the allegor is a security force member at the facility, and compensatory actions were necessary, the staff will discuss the compensatory actions with the allegor. Employment and position verification will not be sought without prior permission from the allegor.

# Is Trust Deserved?





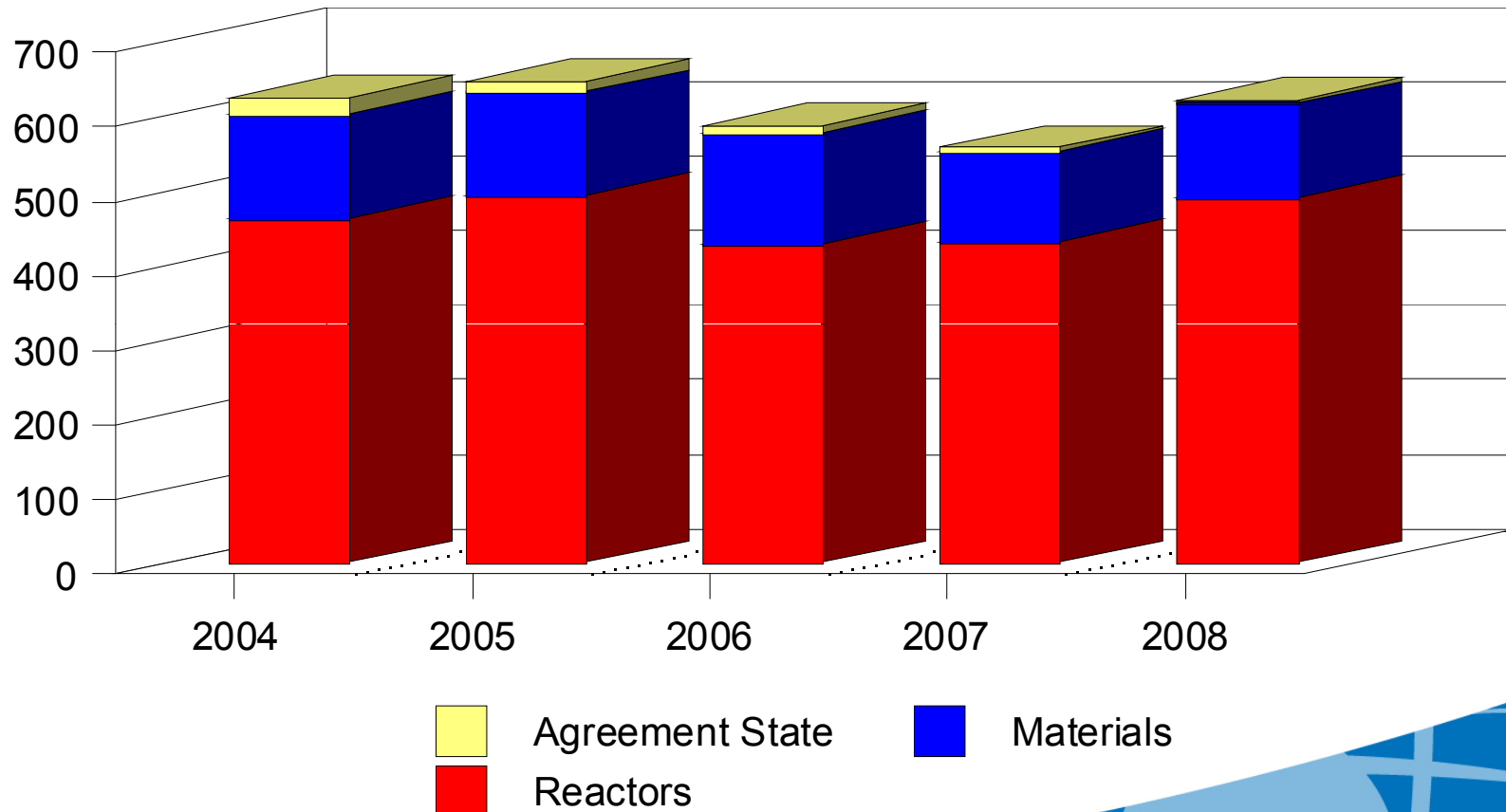
# Wrongdoing Allegations

- 10 CFR 50.5, Deliberate Misconduct – intentional act or omission
- Applies to all who supply to licensees, applicants, contractors, subcontractors
- Causes or would have caused violation of any rule, regulation, order, term, condition, limitation of any license
- Deliberately submit inaccurate information to NRC, licensee, applicant, etc.
- Investigated by OI
- Civil penalties

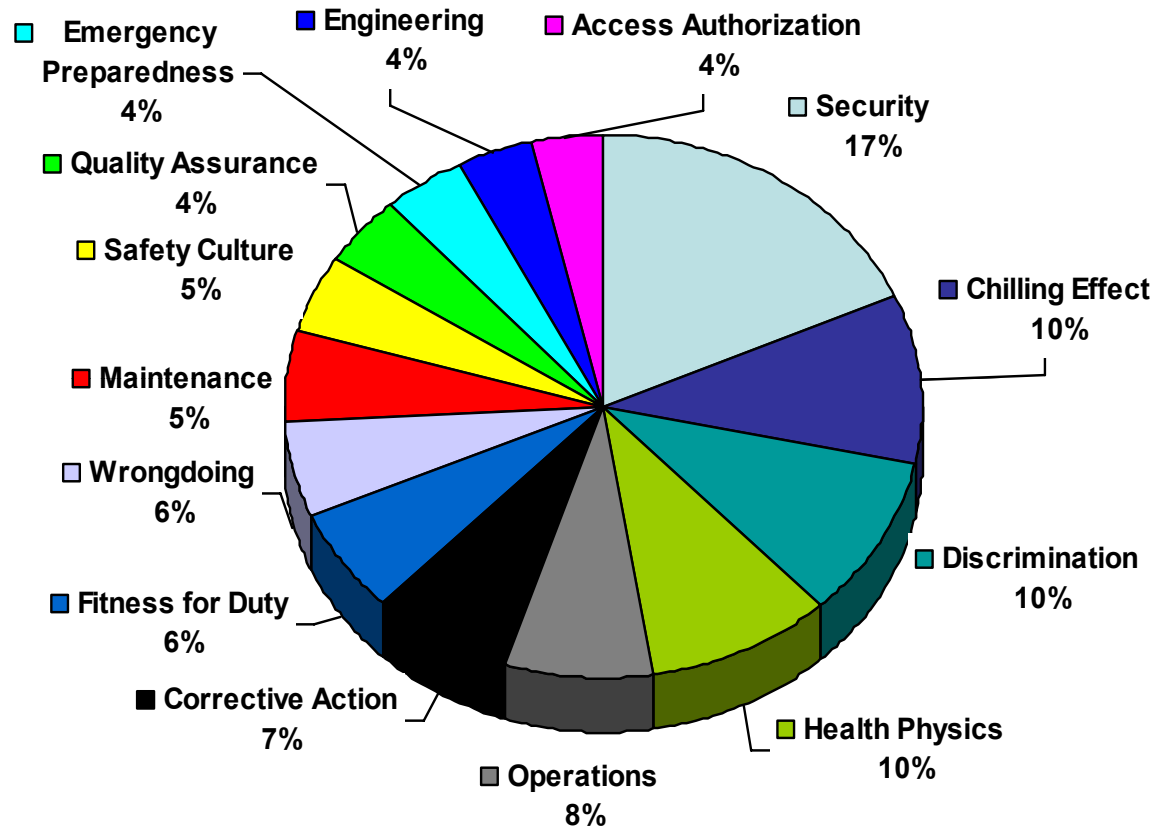
## Counterfeit/Fraud

- Safety-related item – clearly falls under 50.5
- Commercial-grade item – less clear, but if suppliers knows it is to be dedicated for S/R use likely investigation

# Allegation Trends – Total Received

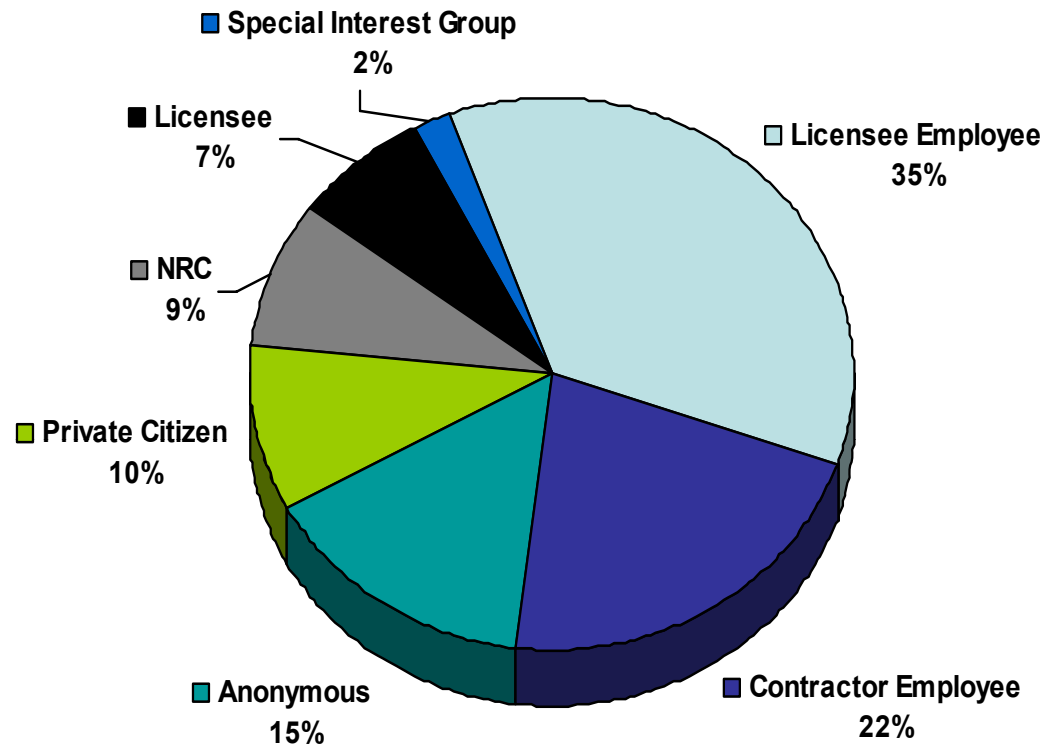


# Allegation Trends – 2008 Reactor Concerns



- |                  |                   |                        |
|------------------|-------------------|------------------------|
| Security         | Chilling Effect   | Discrimination         |
| Health Physics   | Operations        | Corrective Action      |
| Fitness for Duty | Wrongdoing        | Maintenance            |
| Safety Culture   | Quality Assurance | Emergency Preparedness |

# Allegation Trends – 2008 Sources



- Licensee Employee
- Contractor Employee
- Anonymous
- Private Citizen
- NRC
- Licensee
- Special Interest Group

# NRC Website Stats



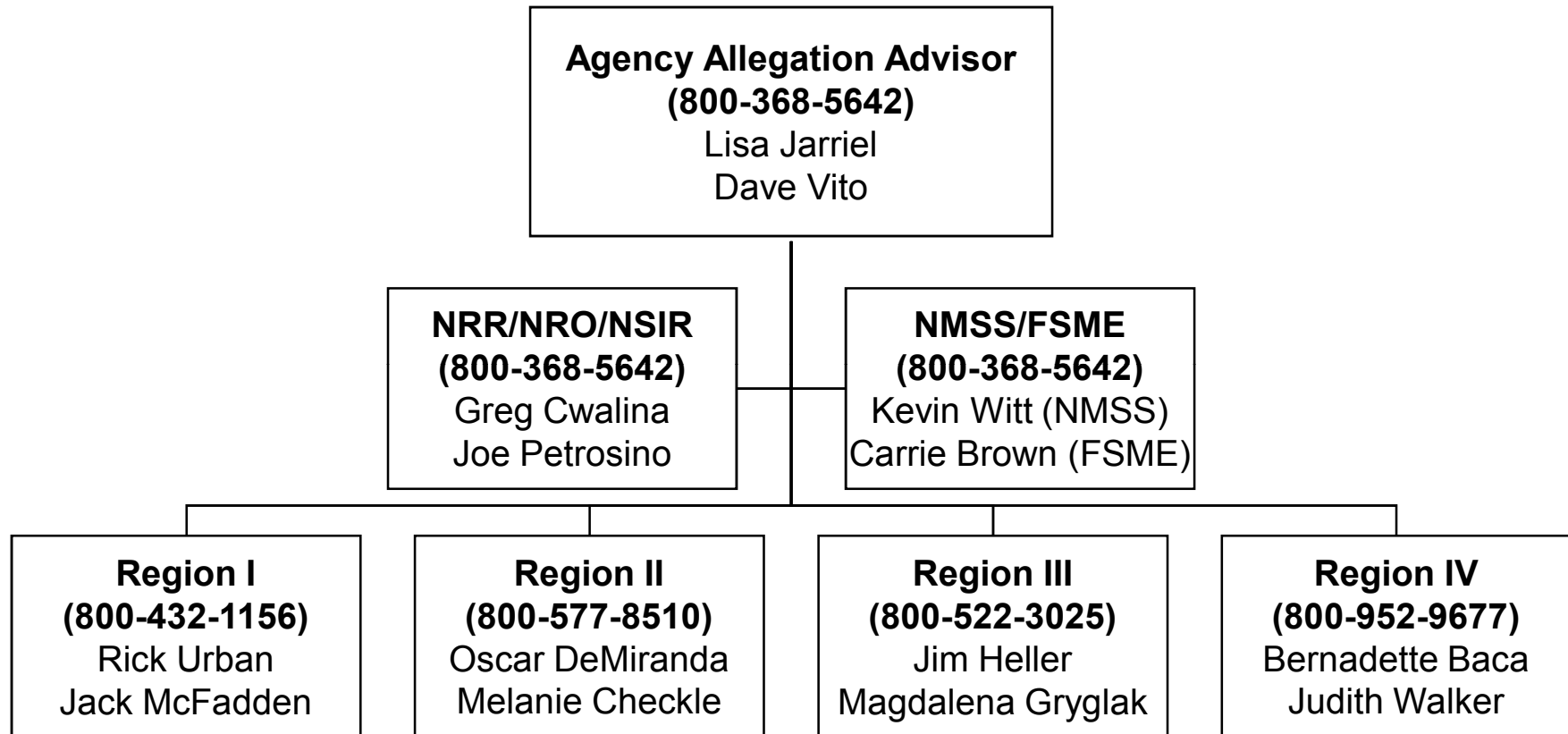
- For large facilities – power reactors and fuel cycle facilities
- Current calendar year and past 4 years
- Tables exclude “non-allegations,” transferred, industrial safety

The screenshot shows a Microsoft Internet Explorer browser window displaying the NRC website. The page title is "NRC: Statistics on Allegations - Microsoft Internet Explorer provided by USNRC". The browser's address bar shows the URL "http://www.nrc.gov/STATISTICS/ALLEGATIONS/STATISTICS\_ON\_ALLEGATIONS.PDF". The page content includes a navigation menu with links for "About NRC", "Nuclear Reactors", "Nuclear Materials", "Radioactive Waste", "Nuclear Security", and "Public Meetings & Involvement". The main content area is titled "Statistics on Allegations" and contains the following text: "For information about the allegations received and their disposition, select a category and click the associated button. Please note that 'Discrimination Allegations Received' is a subset of 'Allegations Received.'" Below this text are several sections of links, each with a sub-section for "Operating Power Reactors", "Non-Operating Power Reactors\*", and "Fuel Cycle Facilities":

- Allegations Received from All Sources**
- Allegations Received from Onsite Sources**
- Discrimination Allegations Received**
- Allegations Open**
- Allegations Substantiated**
- Allegations Substantiated with Violations/Enforcement**

A footnote at the bottom states: "\* Power Reactors that have been permanently shut down".

# Contacts – Allegation Program Personnel



# Resources – Website and ADAMS



- NRC Website re: Allegations/SCWE  
<http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html>
  - FAQs
  - Statistics
  - Annual Reports
  - SCWE Guidance
- Peach Bottom Lessons Learned Documents
  - Peach Bottom Lessons Learned Review Team Report: ADAMS ML080420566
  - Senior Executive Review Panel Report: ADAMS ML080570429
  - Commission Staff Requirements Memorandum: COMSECY-08-0009  
<http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2008/>
  - Inspector General Event Inquiry, “NRC’s Response to Security-Related Concerns at Peach Bottom Atomic Power Plant”: ADAMS ML082460838
  - Senior Executive Review Panel Report response to IG Event Inquiry: ADAMS ML082740227
  - Allegation Guidance Memorandum 2008-001, “Interim Guidance in Response to Lessons Learned from the Allegation Assessment of Inattentive Security Officers at Peach Bottom Atomic Power Station”: ADAMS ML083640272