



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

17 1003

Regional Office Instruction No. 1030, Revision 1

PROCESSING ALLEGATIONS, COMPLAINTS AND INVESTIGATIONS

A. Purpose:

To establish Regional Office policy and procedures for the proper processing, control and disposition of allegations, complaints and concerns involving NRC licensed facilities identified by, reported to, or received by any Region II staff member.

B. Discussion:

Allegations, complaints and concerns (hereinafter referred to as allegations) pertaining to NRC licensed facilities and activities can be received by telephone, letter, news media reports or direct verbal conversations at sites, in offices, at meetings, and even at social functions. It is imperative that allegations be recognized as such by Region II staff members and that this information be handled professionally, promptly and uniformly.

Any Region II staff member who receives an allegation must appreciate that it is absolutely essential to protect the identity of the individual providing the information in an allegation and that every effort must be made to preclude the inadvertent or premature disclosure of the individual's identity outside NRC. To this end, coordination must be effected with the Investigation/Allegation Coordinator for authorization to disclose the identity of an individual who provides information to NRC. This protection of identity is not to be confused with the principle of "confidentiality", a matter which is discussed in an enclosure to this Instruction.

It is very important to note that there is no information regarding safety concerns which can be considered as being "off the record." Individuals who offer "off the record" information must be clearly advised that safety-related information will not be accepted as "off the record" and that such information will be officially accepted and acted upon.

C. Action:

1. All Region II staff members should become generally familiar with the procedures for processing allegations as outlined in the Enclosures to this Instruction.
2. Those individual staff members, primarily Resident Inspectors and Region II staff Inspectors, who can expect to receive the majority of allegations in the field should become fully familiar with the policy and procedure in this Instruction to assure that the required actions are carried out.

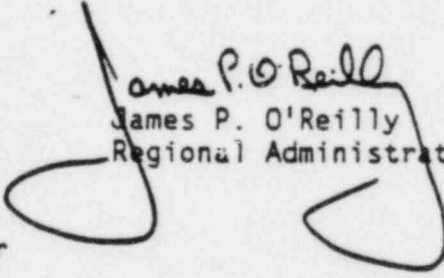
3. The Investigation/Allegation Coordinator has the primary responsibility to ensure that all allegations are properly documented, processed, controlled and expeditiously pursued.
4. It is the responsibility of Region II staff members who receive allegations to document the information promptly and forward such documentation within two working days of the receipt of the information to the Region II Investigation/Allegation Coordinator for appropriate action and staffing.
5. The Investigation/Allegation Coordinator is responsible for updating the Enclosures by periodic Regional Office Notices.

D. Contact:

Questions or comments regarding this Instruction should be directed to the Region II Investigation/Allegation Coordinator.

E. Effective Date:

This Instruction and the Enclosures are effective upon issuance.


James P. O'Reilly
Regional Administrator

Enclosures:
See Attached Table of Contents for
Enclosures

Distribution List A

ALLEGATIONS PROCEDURES MANUAL
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ENCLOSURE 1

DEFINITIONS

NOTE: The following definitions are provided to achieve uniformity within the Region.

A. Allegation

A positive statement of fact, the validity of which has not been proven. This includes general statements such as "periodic tests are being falsified", as well as specific statements such as "field weld number AFXW-392 was not performed in accordance with weld procedure W-152 in that the wrong type of welding rod was used". The normal connotation is that the unproven statement involves something that is wrong; however, any statement may be an allegation until such time as they are proven valid.

B. Complaint

A formal protest or formal presentation of an allegation against a licensee which may be received in the form of a legal deposition, sworn statement or affidavit, intervenor petition, or congressional inquiry. The use of the term "complaint" in Region II reports or other documentation shall be limited to those cases where an individual presents a formal allegation of some deliberate action taken by others which has a detrimental affect on his personal livelihood or safety.

C. Concern

A statement by an individual which reflects uneasiness, uncertainty, anxiety or apprehension about a particular matter. Usually these statements are made by an individual who lacks specific knowledge of NRC jurisdiction or requirements, or understanding of the technical issues involved. A concern can be reflected in statements such as "I think you should check the welding that was done on the spent fuel pool gates" or "I don't think they are conducting QA inspections in accordance with procedures". These statements are actually opinion and imply a concern that NRC requirements are not being satisfied. Staff should be alert to the fact that individuals may also state their concern in the form of a question as it offers a non-threatening way to retract information should their concern be without basis. Such statements are also considered in the same light as expressed concerns.

D. Inquiry

An activity involving a minimal amount of field effort which is undertaken to determine the appropriate response to information reported to or developed by the NRC. Typically, an inquiry will entail the use of the telephone or written correspondence rather than formal interviews or other investigative measures; however, formal interviews can and will be conducted

if required. This activity can be conducted by the Office of Investigations (OI) or the Regional Administrator will designate members of Region II staff to conduct the inquiry.

E. Investigation

Formal investigative activities conducted by the Office of Investigations at the request of the Regional Administrator, with or without technical assistance from the Region II Technical Staff. The Office of Investigations will be the lead action office for all investigations.

F. Inspection

In the context of allegations, routine or special inspection activities performed by the Region II Inspection Staff to examine and subsequently close out allegations. From the standpoint of the regional inspection program, there are two distinct elements (1) the preventive element and (2) the reactive element.

The preventive element of inspection is a carefully constructed program performed on a scheduled and repetitive basis to evaluate the licensee's control of his activities in the discharge of his ultimate responsibility for public protection. The thrust of this effort is to critically examine, on a planned sampling basis, the implementation of the licensee's controls to assure that the licensee is exercising the proper control to prevent events that could threaten the public. It is often, that during the preventive element of inspection, allegers may approach the inspector with allegations, concerns or complaints.

The reactive element of inspection, as the name implies -- a response or "reaction" to some influence outside the defined and described program, is usually initiated in response to an event or allegation. Reactive efforts have an unusual importance beyond their technical implications. For a regulatory program to be truly successful the public must perceive that it operates in the best interest of the public. Consequently, our efforts in reaction must be not only technically correct but also correct from the viewpoint of convincing the public that Region II genuinely protects the public. On occasion, the need for building public confidence may dictate a reactive response that available technical information does not dictate. With this view in mind, it is important that all allegations received in the Region are appropriately documented, staffed and satisfactorily resolved.

G. Alleger

An individual who provides information which constitutes an allegation. The individual may be a concerned private citizen, a licensee employee or contractor, a representative of a local, state, or Federal agency, or an NRC employee.

H. Sanitized

As used herein, "sanitized" refers to the deletion of data which directly, or by other means, identifies an alleged by name. The purpose of sanitization is to preclude the premature or inadvertent disclosure of an alleged's identity. It is a precautionary measure and not intended to deny access to the identity of the alleged if this information is required by Region II staff members to evaluate and resolve allegations.

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ENCLOSURE 2

RECEIPT OF ALLEGATIONS

A. Incoming Allegations

1. Telephone calls or visits to the Regional Office

Any Region II staff member within the Regional Office who receives a telephone call from someone who wishes to make an allegation, express a concern, or register a complaint shall attempt to transfer the caller to the Investigation/Allegation Coordinator (IAC) at Extension 4193. Likewise, if an individual appears in person at the Regional Office, contact the IAC to talk to the individual. Technical staff members within the Regional Office who are unable to contact the IAC to take the call or meet the individual shall handle the matter themselves and obtain as much information as possible regarding the matter. Administrative staff members who cannot locate the IAC shall locate a technical staff supervisor (or inspector, if a supervisor is not available) in the following sequence:

- First - Physical Security Section, Division of
Emergency Preparedness and Materials Safety
Programs
- Second - Division of Project and Resident Programs
- Third - Division of Engineering and Operational Programs
- Fourth - Office of the Regional Administrator

2. Mail to Region II Office

Allegations received in the mail are normally handwritten or typed on plain paper (no letterhead), while official correspondence is always on letterhead stationery. Therefore, unless it is otherwise obvious, administrative personnel responsible for opening and screening mail will forward correspondence which obviously contains an allegation to the Office of the Regional Administrator. Both the letter and envelope will be delivered and no copies of such documents/correspondence will be made. Any Region II staff member who receives documents or correspondence, including internal NRC memoranda, which contain allegations and identify the alleged, shall forward the documents/correspondence to the Office of the Regional Administrator.

3. Referrals from Other Agencies or NRC Offices

Any member of the Region II staff who receives written or telephonic notification that other agencies or NRC offices have received allegations regarding facilities or licensees within Region II, shall promptly provide such information to the IAC.

4. Discussions with Allegor or Other Concerned Individuals

Any member of Region II handling a call or visit of the type discussed above shall attempt to obtain as much information as possible from the individual, to include:

- (a) full name
- (b) complete mailing address
- (c) home telephone number
- (d) position or relationship to facility or activity involved

If the caller declines to provide this information, attempt to have the caller state the reason(s) for not wanting to divulge their identity. If one or more of the below listed points apply, explain the rationale as stated:

- . Concern about identity protection - The NRC will, if the allegor so requests, treat their identity as confidential.
- . Protection of individuals reporting to NRC - Public Law 95-601 prohibits employer discrimination against an employee because of their contacts with NRC. If we do not know the identity of the callers, we could not state they had contacted the NRC; thus Public Law 95-601 could not be applied.

In addition, the following points may also be explained to an anonymous allegor if he is hesitant to reveal his identity:

- . The Region II staff member taking the call may not have the technical expertise to evaluate the information provided to determine if it is sufficient to permit adequate followup or if it is within the jurisdiction of NRC; therefore, it may be necessary to contact the individual for additional information.
- . It is Region II policy to send a letter to the individual, at his home address, which documents our understanding of his allegations or concerns so that it can be reviewed by the individual. The allegor can subsequently contact the Region if his information has been incorrectly interpreted. The individual will be advised of this policy and unless he objects, such a letter will be prepared and forwarded in a plain envelope with a return address as follows: RII-IAC, P. O. Box 2203, Atlanta, GA 30301.

If the caller insists on remaining anonymous (will not provide name, address, phone number, or any other identifying data, etc.) after the above explanations, document the allegation in as much specific detail as possible and advise the caller to contact the IAC collect at (404) 221-4193 in thirty days, at which time he will be advised of the actions being taken as a results of his information.

B. Documenting Allegations

1. It is important to obtain as much information as possible concerning the allegation. In addition to the basic information (who, what, when, where, why, and how) attempts should be made to expand and clarify the information as required so that the issue is relatively well defined. Every allegation received, regardless of the source or method of communication involved, must be documented and evaluated.

There will be instances wherein the allegation obviously has no substance and it is evident the individual is presenting a grossly distorted perception. Even in these cases, a memorandum shall be prepared documenting the contact, the general content of any communication, and the basis for the conclusion that the matter need not be pursued any further. Instances such as these will be coordinated with the technical staff by the IAC to ensure proper disposition.

A standardized Allegation Report form (Region II Form T-47) is included in Enclosure 4 to this Instruction and should be utilized to document all allegations where practicable.

2. The importance of obtaining all possible details concerning an allegation cannot be overemphasized. Evaluation of the allegation will be based on this information as well as the proposed course of action that will be initiated to resolve the issue. In some instances, the information may be so substantial, technical, or indicative of possible wrongdoing, that a personal interview with the alleged is warranted. In these cases, the IAC will brief the Regional Administrator who will determine the best available means of conducting the interview to obtain the details required. Depending on the nature of the allegation and time sensitivity, the Regional Administrator will request assistance from the Office of Investigations (OI) or utilize Region II resources as required to promptly address the issue. If the Regional Administrator determines that OI assistance is appropriate, the Field Director, OI, Region II will be briefed and a formal letter of request for investigation will be provided to him.
3. As soon as possible after receiving an allegation or becoming aware of information which indicates improper activities, Region II staff members shall immediately notify their supervisor by telephone or in person. The supervisor and staff member shall reach a clear understanding as to which of them will notify IAC.

Telephonic notification to the IAC shall be accomplished no later than the close of business on the day the information is received, unless the information is significant enough from a health and safety standpoint to warrant immediate notification to the Regional Duty Officer.

Except in cases where there is an immediate threat to the health and safety of the public (including licensee employees), no actions will be

taken to verify the validity of the allegations or concerns, nor shall such matters be discussed with the licensee until after the IAC has briefed the matter to the Regional Administrator and appropriate Region II staff members.

Notification of suspected improper activities of NRC employees will be made directly to the Regional Administrator, who will initiate appropriate contact with the Office of the Inspector and Auditor (OIA).

4. The Region II staff member who receives an allegation shall prepare an Allegation Report and forward it through his supervisor to the IAC.

Preparation of the Allegation Report shall be accomplished within two working days following receipt of the information (or within two days after return to the Regional Office if received on-site by a Region II staff inspector). The following guidelines shall be adhered to in preparing the Allegation Report or memorandum and transmitting it to the IAC.

- a. The Allegation Report shall be typed (or handwritten if legible) in original only.
 - b. No copies of the Allegation Report shall be made or distributed. This requirement prohibits the originator from retaining a copy for his personal file. In essence, this requirement is intended to provide an extra measure of protection to both the alleged and the individual receiving the allegation. Limiting available copies of the Allegation Report in the field will help to insure that a relatively high degree of identity protection is afforded the alleged, and preclude the possibility of inadvertent disclosure in the field. The IAC will copy and distribute the Allegation Report after sanitization, if appropriate and as required.
5. If placed in the U. S. Postal Service mail, the Allegation Report shall be mailed to the IAC at the following address: RII-IAC, Post Office Box 2203, Atlanta, GA 30301.
 6. Prepare the Allegation Report in accordance with the guidance provided in Enclosure 5. If a memorandum format is used, the opening paragraph shall identify the alleged, the date, time, location and circumstances surrounding the contact with the alleged, including identification of other persons present during the contact. Each succeeding paragraph shall document all information associated with a particular allegation. If details from more than one alleged are involved, consideration should be given to reporting the information in separate memorandums, if this would add clarity. If separate memorandums are not used, then the details should be paragraphically separated so that the details can be readily attributed to each particular alleged.

The IAC is responsible for reviewing all information received in conjunction with an allegation and ensuring that the Regional Administrator and his appropriate staff are fully briefed on the matter.

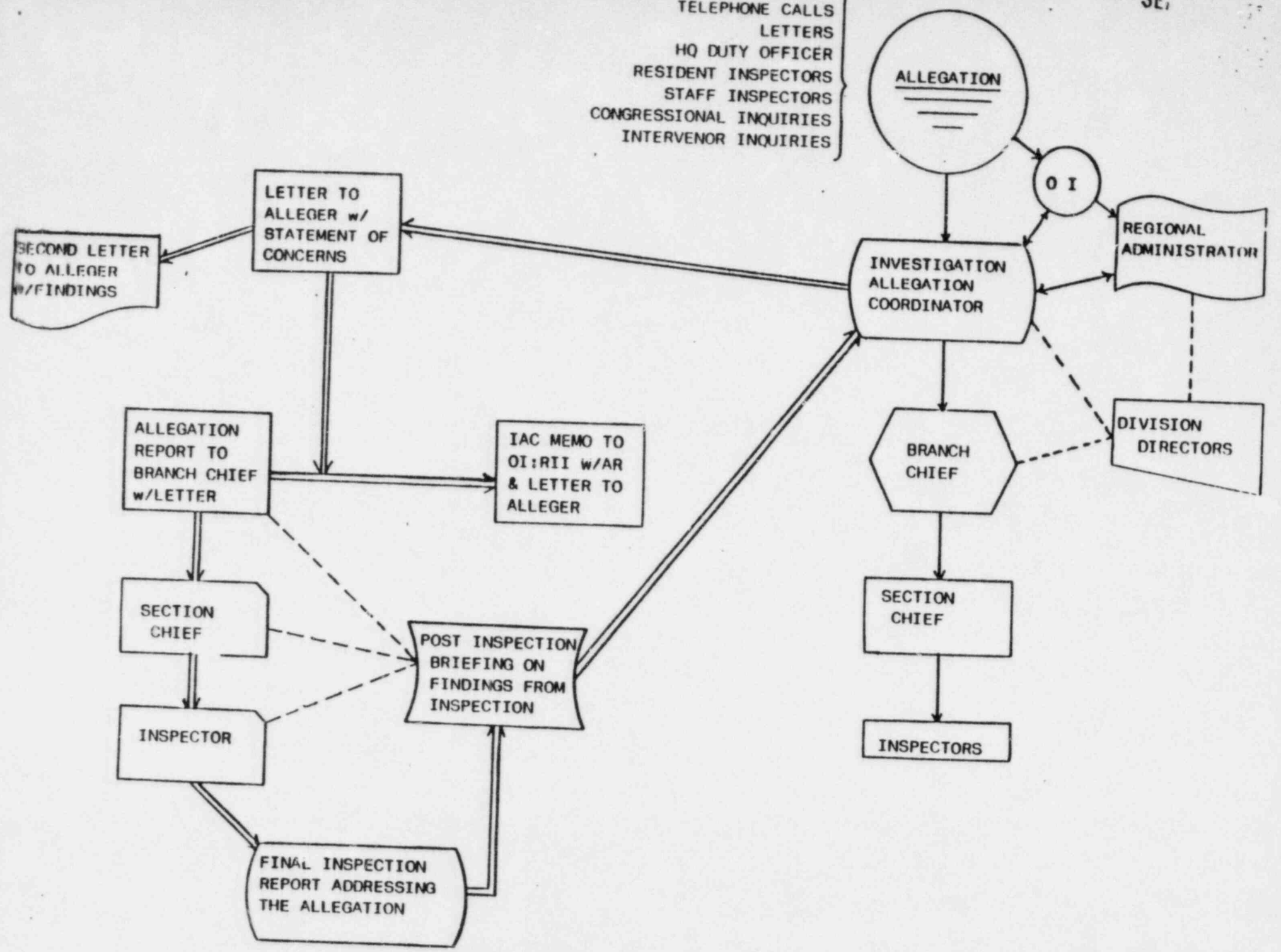
Normally, the receipt of allegations shall not be addressed in Preliminary Notifications (PN) or Daily Reports (DR); however, if the responsible Division believes that a PN or DR entry is necessary, they should first discuss the matter with the IAC who will facilitate coordination among the Region II staff. If it is determined that a PN entry is appropriate, it shall be prepared by the Public Affairs staff, as appropriate, but will not be issued without the concurrence of the Regional Administrator or Deputy Regional Administrator. DRs will be prepared by the appropriate staff and coordinated in the same manner as PNs.

Except for matters identified below, the IAC shall, after coordination with the Regional Administrator or Deputy Regional Administrator, be responsible for notifying other agencies such as the Occupational Safety and Health Administration and Department of Labor if required. Notification of other Federal law enforcement agencies of possible criminality or other nationally significant information received in allegations shall first be coordinated with the Office of Investigations Field Office, Region II, and the Office of the Inspector and Auditor at NRC Headquarters. Required immediate notifications for bomb threats, (attempted) theft of nuclear materials or attack on a nuclear facility shall be accomplished by the Physical Security Section's Information Assessment Team member.

Notification to State authorities of matters within their jurisdiction shall be accomplished by the State and Government Affairs staff.

7. A flow chart is attached to this Enclosure and depicts typical briefing and paperwork flow in connection with allegations.

OFFICE VISITS
TELEPHONE CALLS
LETTERS
HQ DUTY OFFICER
RESIDENT INSPECTORS
STAFF INSPECTORS
CONGRESSIONAL INQUIRIES
INTERVENOR INQUIRIES



ENCLOSURE 3

EVALUATION BY COGNIZANT REGION II BRANCH

- A. Upon receipt of the allegation package from the Investigation/Allegation Coordinator (IAC), the cognizant Region II Branch Chief will review the documentation and propose a course of action to resolve the allegation. The cognizant Region II Branch Chief is responsible for development, initiation, and follow-through on corrective actions as appropriate. There are several areas which should be considered by the cognizant Branch Chief during the review and evaluation of the allegation. These are as follows:
- Does the allegation package contain sufficient information for a thorough review and evaluation? (If not, what additional information is required?)
 - Can the allegation be examined and resolved during a routine, scheduled inspection? (If not, what is the best way to address the issue?)
 - Will the identity of the individual who provided the information be required for a thorough review and evaluation? (If so, coordinate with IAC.)
 - What specific issue is involved in the allegation and is it an issue that can be adequately addressed by a technical inspection?
 - Does the allegation have the potential to result in escalated enforcement action?
 - Is the allegation time sensitive? (If so, what immediate actions are required?)
 - Will investigative assistance enhance the technical inspection, or will it be required?
 - Are there peripheral issues which could develop? (If so, what are they?)

It is the responsibility of the appropriate Division to resolve each allegation which falls under its jurisdiction and subsequently notify the IAC of the action taken so that the status of each allegation can be accurately tracked within the Region and the Commission from its initial receipt to its final resolution. Final resolution and subsequent clearance of an allegation shall be documented in a memorandum to the IAC from the Division which worked on the allegation stating the final action which resolved the issue.

In addition, copies of inspection reports or memorandum detailing efforts to resolve the allegation will also be forwarded to the IAC for inclusion in the Region II allegation case file.

ENCLOSURE 4

PREPARATION OF ALLEGATION REPORT

A. Purpose

Allegation Reports (AR) serve as the basic document for initiating an allegation file within Region II. All allegations should be documented on the Allegation Report form in accordance with the instructions below.

B. Documentation

Region II personnel shall document information regarding an allegation, complaint or concern. This documentation shall be made on Form RII-47 if available, or by memorandum. If Form RII-47 is used, prepare the form as follows:

- a. Name - Enter the full name of the individual providing the information.
- b. Address - Enter the mailing address of the individual providing the information.
- c. Phone - Enter the residential and/or business phone number of the individual providing the information.
- d. Allegation - Enter a concise statement describing the allegation, concern or complaint (e.g., Improper welding procedures used in containment.).
- e. Facility - Enter the name of the facility involved in the allegation, complaint or concern (e.g., Bellefonte).
- f. File No. - Leave blank. The Allegation/Investigation Coordinator will assign an NRC tracking number.
- g. Date/Time - Enter the date and time of initial contact with the individual who provided the information.
- h. Docket No. - Enter the docket number of the facility if known.
- i. Confidentiality Requested - If the individual who provides the information specifically asks for confidentiality, circle yes. If confidentiality was not granted, circle no. (If confidentiality was requested, details of the request must be explained in the Summary of Information Section.)
- j. Summary of Information - Enter the details of the information provided by the individual.

- k. Prepared By - Enter your printed name and signature.
- l. Date - Enter date document was prepared.
- m. Action Required - Leave blank. IAC will use this space for internal administrative actions.
- n. Reviewed By - Leave blank.
- o. Date - Leave blank.

ALLEGATION REPORT

[illegible]

ENCLOSURE 5

ORGANIZATION AND FUNCTION OF INVESTIGATION/ALLEGATION COORDINATOR

A. The Investigation/Allegation Coordinator (IAC).

The IAC serves as the focal point within Region II for the administrative processing and control of all allegations received in the Region. The IAC is responsible for tracking the allegation from initial receipt to final resolution. The IAC shall establish and maintain a system of files which clearly identifies allegations, concerns, complaints and suspected improper activities received by Region II, and documents Region II actions initiated to resolve such matters. The IAC will ensure that the Regional Administrator and his staff are informed of allegations kept current on the status of allegations in the Region II Allegation Tracking System and, briefed on proposed resolution of allegations.

The IAC will assist appropriate Technical Staff members who are reviewing allegation information. This assistance will be primarily in the form of coordination activities which may be required to promptly resolve the issue. In addition, the IAC will, when appropriate, assist in the formulation of a course of action to be taken to resolve the issue. The IAC will assist the cognizant Region II Division in preparing and reviewing responses to allegations to ensure investigative sufficiency and that the technical review of the response adequately addresses issues raised in the allegation.

The Chief, Physical Security Section, will provide functional backup support to the IAC during periods when the IAC is absent. In addition, efforts should be made to ensure that designated backup personnel are kept current on IAC activities and that they are familiar with the functional responsibilities of the IAC.

B. Receipt of Allegations

Upon receipt of an allegation, the IAC will assign a Region II case file number for entry into the tracking system, prepare an appropriate investigation/allegation case file folder and tracking form, conduct a preliminary assessment and review of the file to determine the required technical staffing and coordination actions. In addition to the foregoing initial administrative tasks, the IAC will also prepare and NRC Form 307, Allegation Data Form, and forward the completed form to NRC Headquarters. The NRC Form 307 serves as notification to Headquarters that an allegation is being tracked within the Region. This form will also be used to forward allegations to other regions when the allegation pertains to licensees within other regions.

The IAC will also prepare and forward a letter to the individual who presented the allegation (when known). The letter will restate the individual's allegation and advise the individual of the actions being initiated by Region II. (See Enclosure 6 for details concerning the

preparation of letters to alleged.) Depending on the nature of the allegation, the IAC will forward sanitized copies of the allegation documentation and the letter to the alleged with a transmittal memorandum to the cognizant Region II Branch Chief within three working days for evaluation and initiation of appropriate action. A sanitized information copy of this documentation will also be forwarded to the Office of Investigations Field Office, Region II. The IAC will followup with the cognizant Region II Branch Chief at periodic intervals until the matter has been satisfactorily resolved, at which time the case will be closed in the Region II Allegation Tracking System.

The IAC will coordinate allegation information with the Technical Staff as appropriate, and assist in the determination as to whether the information provided by an alleged is sufficient to permit identification of the issues involved. If the information is found to be insufficient, the IAC will coordinate and facilitate subsequent contact with the alleged. A single point of contact from within the Region with an alleged will provide a means of controlling communication with the alleged; aid in quickly developing rapport; establish continuity in the flow of information between the Region and the alleged; aid in maintaining identity protection for the alleged; and provide a positive single point of contact for the alleged within the Region.

C. Identification of Issues

The IAC will assist the Technical staff in an attempt to identify and separate the issues involved in allegations into the following categories to facilitate staffing and coordination:

1. Allegations which are purely technical in nature, such as inadequacies in procedures, qualifications or training; inadequate implementation of procedures; inadequate corrective actions; and radiation overexposures; etc.
2. Allegations which involve wrongdoing; record falsification; alleged, willful or deliberate violations; material false statements, or other improper conduct which violates NRC requirements.
3. Allegations involving matters not within the jurisdiction of Region II.
4. Allegations involving matters not within the jurisdiction of NRC.

It should be recognized that technical issues involving failure to meet requirements, whether regulatory or procedural, have the potential for being willful or deliberate violations. However, in the absence of specific allegations of willfulness or deliberateness, such issues will normally be staffed as technical issues and resolved using Region II resources. If an allegation covers a broad range of issues that cross Region divisional lines, the Regional Administrator shall determine which Division will have lead responsibility.

ENCLOSURE 6

LETTERS TO ALLEGERS ACKNOWLEDGING RECEIPT OF ALLEGATIONS

A. Policy

All allegations received from concerned citizens (or others as previously identified) will be acknowledged by letter back to the individual who presented the allegation. This letter, in addition to stating an acknowledgement of the contact, will also contain a "Statement of Concerns" as an enclosure to the letter. The statement will detail the allegation as understood by the individual who received the allegation. The purpose of the letter is to assure the allegor that their concern will be examined as appropriate, and that the examination will address all of the specific concerns expressed by the allegor. The letter also provides a formal means of asking the allegor for a review of the information and will enable the allegor to make additions, deletions, or corrections to the information, if appropriate.

In addition, a followup letter will be prepared and forwarded to the allegor on a periodic basis during the time that an allegation is pending resolution. This letter will serve as a means to maintain contact with the allegor and provide a means to assure the allegor that the problem is being addressed.

B. Responsibility

The Investigation/Allegation Coordinator (IAC) is responsible for preparing acknowledgement letters to allegors. No members of the Region II staff will prepare and forward any correspondence to allegors without first coordinating such action with the IAC. Again, this is to ensure that a single point of contact can be maintained with the allegor for the reasons previously discussed. Generally there are seven types of letters which could be sent to allegors by certified or registered mail. These are as follows:

1. Normal first letter
2. Restatement of Concerns
3. Request for Additional Information
4. Close-out for Lack of Response
5. Close-out for Action Completed
6. Referral of Allegation to Another Agency
7. Periodic followup letter to allegor.

Samples of the above letters are attached to this Enclosure.

C. Distribution

Copies of letters sent to allegors will be an enclosure to the allegation package sent to the cognizant Branch Chief for action. An information copy of the allegation package will be also sent to the Office of Investigations, Region II.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(NORMAL FIRST LETTER)

(DATE)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

(STANDARD INTRODUCTORY PARAGRAPH)

This refers to (TELEPHONE CALLS, MEETINGS AND/OR LETTERS) in which you expressed concerns related to (GENERAL AREAS OF ALLEGATION) practices at (NAME OF UTILITY AND/OR SITE).

(STANDARD PARAGRAPH - INQUIRY INITIATED)

An enclosure to this letter documents your concern(S) as I understand (IT/THEM) based on (OUR CONVERSATION)(MY CONVERSATION WITH _____)(OUR MEETING)-(YOUR LETTER). We have initiated actions to develop and examine the facts and circumstances of your concern(S); therefore, if the enclosure does not completely and accurately reflect all of your concerns, please contact me collect as soon as possible at (404) 221-4193 so we can assure that they are adequately addressed during our review. If you should call and I am not available, please ask to speak to my associate or, if you prefer, leave a message so that I can return your call.

(STANDARD PARAGRAPH - INSPECTION REQUESTED)

An enclosure to this letter documents your concern(S) as I understand (IT/THEM) based on (OUR CONVERSATION)(MY CONVERSATION WITH _____)(OUR MEETING)(YOUR LETTER). I have requested that our inspectors look into this matter during one of their upcoming inspections; therefore, if the enclosure does not completely and accurately reflect all of your concerns, please contact me collect as soon as possible at (404) 221-4193 so that we can assure that they are adequately addressed during the planned inspection. If you should call and I am not available, please ask to speak to my associate or, if you prefer, leave a message so that I can return your call.

(STANDARD PARAGRAPH - ACKNOWLEDGE REQUEST FOR CONFIDENTIALITY)

Regarding your request for confidentiality, let me assure you that we will make every effort to handle this matter in such a way so as to maintain your anonymity. Some of our procedures to ensure anonymity include limiting access to documents which contain your identity, preparing documentation in which your identity is concealed, and other internal procedures which limit the dissemination of your identity on a strict need-to-know basis. I would like to point out however, that licensees can and do sometimes correctly guess the identity of individuals who provide information to us because of the nature of the information, or other

factors beyond our control. In such cases our policy is to neither confirm or deny the accuracy of their guess.

(STANDARD PARAGRAPH-CLOSING)

In closing, let me assure you that every effort will be made to resolve these issues. The U. S. Nuclear Regulatory Commission has been given the mandate to protect the public in the uses of nuclear facilities and materials by protecting the public health and safety, the environment, and assuring industry conformance to regulatory requirements. We engage in major efforts on a daily basis to ensure that we fulfill our mandate. It is concerned citizens such as yourself, who in bringing concerns to our attention, help us to meet these demanding responsibilities. We appreciate your bringing your concerns to our attention and should you have additional questions, or If I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,

(NAME)
(TITLE)

Enclosure(s):
Statement of Concerns



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(RESTATEMENT OF CONCERNS)

SEP 20 1983

(DATE)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

(STANDARD INTRODUCTORY PARAGRAPH)

This refers to our letter to you dated (DATE), the enclosure to which documented my understanding of your concerns relative to (GENERAL AREAS) practices at (UTILITY)'s (SITE) nuclear power plant and to your subsequent (LETTER TO US-DATED)(IN TELEPHONE CONVERSATION WITH NAME AND DATE DURING) which you provided (ADDITIONAL)(AND)(CORRECTED) information regarding your concerns.

The enclosure to this letter represents a restatement of your concern(S) as I now understand (IT/THEM) based on the (CORRECTED) (AND) (ADDITIONAL) information you provided. However, as before, if the enclosure does not completely and accurately reflect all of your concerns, please contact me at (404) 221-4193 as soon as possible. If I am not available at the time, please speak to my associate, or leave a message so I can return your call.

(STANDARD CLOSING PARAGRAPH)

Again, I appreciate your informing us of your concerns and your cooperation is ensuring that we understand them correctly.

Sincerely,

(NAME)
(TITLE)

Enclosure:
Statement of Concerns - Rev.
(REV. NO.)



UNITED STATES
NUCLEAR REGULATORY COMMISSION

(REQUEST FOR ADDITIONAL INFORMATION)

REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(DATE)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

(STANDARD INTRODUCTORY PARAGRAPH)

This refers to (TELEPHONE CALLS, MEETINGS, AND LETTERS) in which you expressed concerns related to (GENERAL AREAS) practices at (UTILITY)'s (SITE) nuclear power plant.

(REQUEST FOR ADDITIONAL INFORMATION PARAGRAPH)

We have determined that we need additional information from you before we can proceed with our inquiry into your concerns. We have attempted to contact you by telephone without success and I would appreciate your contacting me collect at (404) 221-4193 as soon as possible so that we can discuss this matter further.

(ADDITIONAL INFORMATION PROMISED BUT NOT RECEIVED)

Based on your telephone conversation with (NAME) on (DATE), it was our understanding that you would provide additional information and I would appreciate your contacting me collect at (404) 221-4193 at your earliest convenience so that we may proceed with our inquiry into this matter. If I am not available at the time, please speak to my associate, or leave a message so I can return your call.

Your cooperation and assistance would be appreciated.

Sincerely,

(NAME)
(TITLE)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(CLOSE-OUT FOR LACK OF RESPONSE)

(DATE)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

This refers to our letter to you dated (DATE) in which we requested that you contact us to provide additional information regarding your concerns related to (GENERAL AREAS) practices at (UTILITY)'s (SITE) nuclear power plant which you discussed (IN YOUR LETTER TO US DATED (DATE)) (IN YOUR CONVERSATION WITH (NAME) ON DATE)).

In that you have not contacted us and provided the additional information we requested, the Regional Staff plans no further action regarding this matter. We have, however, alerted our inspectors to your general concerns so that they can pay particular attention to those areas during their routine inspections.

Should you have any questions regarding our disposition of this matter, please call me collect at (404) 221-4193.

Sincerely,

(NAME)
(TITLE)



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

SEP 10 1980

(DATE)

(CLOSE-OUT FOR ACTION COMPLETED)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

This refers to my letter to you dated (DATE) which indicated that we had (INITIATED AN INQUIRY) (REQUESTED THAT OUR INSPECTORS LOOK) into your concerns regarding (GENERAL AREAS) practices at (UTILITY)'s (SITE) nuclear power plant as documented in the enclosure to that letter.

(PARAGRAPH: ACTION COMPLETE - REPORT ENCLOSED)

Our (INQUIRY)(INSPECTION)(INVESTIGATION) regarding this matter has been completed and our findings are documented in the enclosed report(S). This concludes the Regional Staff's activities regarding this matter.

(PARAGRAPH: ACTION COMPLETE - NOT ADDRESSED IN REPORT)

Our inspectors have looked into this matter; however, to maintain your confidentiality your concerns and the inspector's findings and planned actions were not highlighted in their report. We have, however, documented our findings relative to (YOUR CONCERN)(EACH OF YOUR CONCERNS) in an enclosure to this letter.

(PARAGRAPH: ACTION COMPLETE - INVOLVES 2.790 INFORMATION)

Our (INQUIRY)(INSPECTION)(INVESTIGATION) regarding this matter has been completed. In that your concerns dealt with physical security matters, the details of which are exempt from public disclosure pursuant to 10 CFR 2.790(d), we are unable to provide you with a copy of our report. We have, however, documented our findings and planned actions in a general sense in an enclosure to this letter.

(PARAGRAPH: ITEMS OF NONCOMPLIANCE IDENTIFIED)

With regard to the item(S) of noncompliance identified during (INSPECTION) (INVESTIGATION), (UTILITY) is required to inform us in writing of the corrective actions they have taken or plan to take and our inspectors will continue to follow such actions to ensure proper resolution. Let me assure you that we will followup such actions vigorously to ensure full compliance with regulatory requirements.

(PARAGRAPH: EXPLANATION OF UNSUBSTANTIATED)

I would like to explain that the finding "unsubstantiated" does not necessarily mean that we find the facts as you stated them to be untrue; rather, it means only that we were unable to obtain objective evidence to corroborate your statements

through interviews, document reviews and/or direct observation. As a regulatory agency, objectivity is of utmost importance along with ensuring compliance with regulatory requirements. Objectivity ensures our decisions and conclusions are based on fact and that any action based on these facts can be legally enforced.

(PARAGRAPH: STANDARD CLOSING)

We appreciate your informing us of your concerns. We feel that our actions in this matter have been responsive to those concerns; however, should you have further questions regarding this matter, please feel free to contact me. Please be assured that we will continue to perform inspections to ensure that (AREA OF CONCERN) procedures are properly followed at nuclear power plants to protect the health and safety of the public. We take our safety responsibilities to the public very seriously and I can assure you that we will continue to do so vigorously within the bounds of our lawful authority.

Sincerely,

(NAME)
(TITLE)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(TYPICAL LETTER OF REFERRAL
TO ANOTHER AGENCY)

SE: 7

(DATE)

U. S. Department of Labor
ATTN: Regional Administrator
Occupational Safety and
Health Administration
(STREET ADDRESS)
(CITY, STATE, ZIP CODE)

Gentlemen:

An individual has contacted representatives of this office and expressed concerns dealing with non-radiological personnel safety matters at (UTILITY)'s (SITE) near (CITY, STATE) which appears to fall within the jurisdiction of your office.

A copy of our letter to the individual informing (HIM THAT HE)(HER THAT SHE) should contact your office directly is enclosed for your information and whatever action you deem appropriate.

(PARAGRAPH: CONFIDENTIALITY:)

Please be advised that the individual has requested that (HIS/HER) identity be kept confidential and further, that any concerns which were expressed which are within the jurisdiction of the NRC have been deleted from the Statement of Concerns inasmuch as our inquiry into these matters may still be in progress.

If we can be of assistance in this matter, or if you have questions concerning this matter, please contact my staff Investigation/Allegation Coordinator at FTS:242-4193 or (404) 221-4193.

Sincerely,

James P. O'Reilly
Regional Administrator

Enclosure:
USNRC Region II letter dtd _____.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

(SUPPLEMENTARY LETTER)

(DATE)

(NAME)
(ADDRESS)
(CITY, STATE, ZIP CODE)

Dear (Mr.)(Mrs.)(Ms.)(Miss) (LAST NAME):

SUBJECT: (ALLEGATION FILE NUMBER)

(STANDARD INTRODUCTORY PARAGRAPH)

This refers to my letter to you dated (_____) in which I informed you that we have initiated an inquiry regarding your concerns related to certain activities at (NAME OF UTILITY AND/OR SITE).

Let me assure you that we are continuing to pursue this matter through our (INSPECTION)(INVESTIGATION) process and that we will immediately forward to you a copy of our resultant findings.

Again, we appreciate your bringing your concerns to our attention, as it is concerned citizens such as yourself who help us to meet our responsibilities to protect the health and safety of the public.

If you have any questions or additional comments you would like to make prior to our resolution of this matter, please do not hesitate to contact me.

Sincerely,

(NAME)
(TITLE)

ENCLOSURE 7

INTERFACE WITH OFFICE OF INVESTIGATIONS

A. Interface with Office of Investigations

The Investigation/Allegation Coordinator (IAC) will serve as the routine point of contact between Region II staff members and the Office of Investigations Field Office, Region II (OI:RII) on matters requiring coordination. Region II staff members should coordinate their requirements with the IAC, who in turn will perform any additional coordination with OI:RII. Region II staff members should not normally contact OI:RII on routine allegations and/or investigations; however, there is no prohibition against such contact. This practice is suggested so as to ensure the integrity of the Region II Allegation Tracking and Case File System, to document the results of official coordination activities, and to eliminate the possibility of a in misunderstanding communications. Conversely, the IAC will normally be the routine point of contact for OI:RII, thereby eliminating the need for OI:RII personnel to arrange for and conduct multiple briefings to the Region II staff. Nothing in this Instruction precludes direct access by OI:RII personnel to the Regional Administrator.

B. Reports of Investigation

Normally, one copy of the Report of Investigation prepared by OI:RII is hand delivered directly to the Regional Administrator by the Director, OI:RII. In some instances, two copies of the Report of Investigation are provided to the Regional Administrator. Included in the first are names, significant identifying details, and interview statements (for example, report of interviews, signed statements, verbatim transcripts). This original version of the report will not be disseminated outside Region II. The second copy of the report is sanitized (name, significant identifying data, etc., are removed) for privacy reasons and can be distributed as directed by the Regional Administrator. Reports from OI:RII are to be handled in the same manner as "Official Use Only" and will be made available to Region II staff members only as required. The IAC is the sole repository within Region II for OI:RII report and shall ensure the security of these reports. Region II staff members reviewing a Report of Investigation shall ensure that the report is returned to the IAC or the Regional Administrator at the close of business each day. At no time will any Region II staff member copy any portion of an OI report without prior coordination with the IAC, nor will they leave an OI report unattended or unsecured. In addition, no markings of any kind shall be made on OI reports. If notes are made during the review of an OI report, the notes should be handled in the same manner as an OI report described above.

C. Responsibility for Followup Action on OI Reports of Investigation

The IAC is the responsible for initiating appropriate followup action on behalf of the Regional Administrator. Followup action will normally include

an initial review of the OI report followed by staffing and coordination with the appropriate Region II technical staff which will have the responsibility for taking action based on the report as appropriate. If potential violations of NRC requirements are identified, then the Director, Enforcement and Investigation Coordination Staff will also review the OI report.

D. Enforcement Actions Based on OI Reports of Investigation

Enforcement actions resulting from investigations will follow the NRC Enforcement Policy in the same manner as enforcement actions resulting from inspections. The OI report should be viewed as the factual basis which supports enforcement action. Region II staff effort to confirm the contents of an investigative report will not normally be conducted; however, should the technical specialist reviewing the report require clarification or amplification, appropriate coordination with OI:RII will be arranged through the IAC. If the technical review results in no violations being identified, based on the information contained in the report, the IAC will prepare a memorandum for the Regional Administrator's signature which will be forwarded to OI:RII and state the results of the technical review. If a technical review of the report results in identification of violations, a copy of the Notice of Violation and enforcement letter will be forwarded to OI:RII for information.

E. Requests for Investigation

In some cases, the final review and evaluation of an allegation may indicate that an investigation into the matter is warranted. This will normally be staffed and coordinated between OI:RII, the IAC, and the cognizant Region II Branch Chief and Division Director prior to the final determination presented to the Regional Administrator that an OI investigation is required. If an investigation is warranted, a letter signed by the Regional Administrator requesting the investigation will be forwarded to OI:RII and serve as the authority for the investigation. The letter will include a brief synopsis of the allegation and provide a general scope for the investigation.

F. Liaison

The IAC will ensure there is open and frequent contact with OI:RII on allegations, concerns and complaints received in the Region. It is essential to maintain free and open exchange of information to ensure both NRC and Region II mission requirements are fulfilled. Coordination and staffing discussions should be conducted on an as needed, case-by-case basis.

ENCLOSURE 8

CONFIDENTIALITY

A. Background

The ability of the NRC to obtain information over the long term, particularly adverse information concerning indicators of noncompliance or violation of regulatory requirements, depends on the subsequent handling of such information within NRC. A fundamental premise supporting the information gathering process is a determination to maintain NRC's ability to protect the identity of individuals providing the information. The inherency of the principle of identity protection is to ensure that no one will refrain from reporting information because the NRC does not offer a suitable measure of protection to those individuals who provide such information. The responsibility to protect the identity of individuals providing information from retaliatory action by their employers and coworkers begins with the initial contact between the individual and NRC.

While Public Law 95-601 makes it unlawful for employers to take retaliatory actions against employees reporting information to the NRC and provides the means for the employee to obtain legal remedies, the legal process can be very lengthy, so much so, that employees are still reluctant to provide information for fear of being out of work for an extended period of time while going through the legal process.

Confidentiality is a means by which the NRC protects and withholds from disclosure the identity of an individual who provides adverse and/or incriminating information to the NRC. It is NRC policy not to divulge to others the identity of an individual who was granted confidentiality, either during or subsequent to an inquiry based on the information provided to NRC. Within Region II, confidentiality is considered so important that a "need-to-know" rule will be vigorously implemented and followed by all Region II personnel dealing with any aspect of confidentiality.

B. Use of Confidentiality

Confidentiality should not be routinely offered to individuals making allegations or otherwise providing information during the course of an NRC inquiry. However, if a Region II staff member is of the opinion that he would not receive the information, or if the individual providing the information requests anonymity, then a grant of confidentiality will be proffered. Before confidentiality is granted, the individual should be informed that, although the pledge is not absolute, it is NRC policy not to divulge the identity of people granted confidentiality. Also, the individual should be told that their name will not normally appear in the publicly released reports. The individual's identity may, however, be revealed where required by law, when necessary to insure public health and safety, pursuant to Congressional directives, or where the nature of the allegations or the

limited number of people with access to the reported information may provide a basis for guessing their identity. In these cases, NRC will neither confirm or deny requests to verify the identity of a source of information. Should a Region II staff member grant confidentiality, all facts and circumstances surrounding the pledge must be documented in a memorandum to the IAC who will coordinate the information with the Region II Counsel and Regional Administrator. Where possible and when the situation permits, the Region II Counsel should be contacted for advice and guidance prior to granting confidentiality.

C. Restrictions

Within Region II, the identity of any individual making allegations, expressing concerns, or registering complaints shall be treated as "OFFICIAL USE ONLY" information. Their names shall not appear in any report (except as noted above regarding the preparation of Allegation Reports or related memorandum) or any internal memorandum or other document placed in normal mail distribution, nor will it be divulged to any NRC employee or outside individual who has not clearly demonstrated a "need-to-know" for such information. The policy is intended to reinforce the regional emphasis on the responsibilities associated with protecting individuals who provide information to NRC. If it is necessary to provide the identity of an individual reporting information to an inspector assigned to followup an allegation, or to other NRC offices, the IAC will coordinate the request for release with the Regional Counsel prior to submitting a recommendation to the Regional Administrator. Every effort shall be made to preclude the inadvertent or premature disclosure of the identity of an individual providing information in connection with an allegation, complaint or concern. Any breakdown in the system which results in the unauthorized disclosure of the identity of alleged shall be brought to the attention of the Regional Administrator.

In no case will the identity of such an individual be made known to a licensee employee without the specific approval of the Regional Administrator. If the licensee correctly guesses the identity of the individual, the Region II staff members will respond that the NRC position is to neither confirm nor deny the validity of such guesses and refuse to discuss the matter further.

One point regarding promises of confidentiality should be clearly understood by all Region II staff members and explained to the individual providing information, if appropriate. A pledge of confidentiality shall not be made (or may not be honored if previously granted) if the individual provides information indicating that he intends to or has personally committed, or participated in criminal acts which may include a deliberate (knowing and willful) violation of NRC requirements. In cases such as this, the Regional Counsel should be contacted for advice and guidance. Caution should also be exercised in this particular area as there is the possibility the individual could infer he was granted immunity.

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ENCLOSURE 9

COMPLAINTS OF EMPLOYEE DISCRIMINATION

A. Background

A Memorandum of Understanding (MOU) signed by NRC and the Department of Labor (DOL) facilitates coordination and cooperation between the agencies in the processing of violations of the employee protection provisions of Section 210(a) of the Energy Reorganization Act. Subsequently, working arrangements were developed and points of contact established at regional and headquarters levels for each agency.

B. Working Arrangements

The working arrangements between NRC and DOL establish certain commitments that must be carried out by the regional contacts for the NRC. The working arrangements provide that NRC will refer complaints to DOL, advise DOL of complaints received concerning employee discrimination, inform DOL of investigations that NRC is conducting into these matters, facilitate DOL investigations by assisting in gaining access to NRC-licensed facilities, and decide whether NRC should conduct an independent investigation.

Section 210 of the Energy Reorganization Act prohibits any employer, including an NRC-licensee, applicant or a contractor or subcontractor from discriminating against any employee with respect to their compensation, terms, conditions or privileges of employment because the employee, assisted or participated, or is about to assist or participate in any manner in any action to carry out the purposes of either the Energy Reorganization Act of the Atomic Energy Act of 1954.

NRC and DOL agreed to cooperate with each other to the fullest extent possible in every case of alleged discrimination involving employees of NRC licensees, applicants, or contractors and sub-contractors. NRC will take all reasonable steps to assist DOL in obtaining access to licensed facilities and obtaining necessary security clearances. Each agency agreed to share and promote access to all information it obtains concerning a particular allegation and, to the extent permitted by law, will protect the confidentiality of information identified as sensitive that was supplied to it by the other agency.

C. Processing of Complaints

If a complaint is received concerning a possible violation of Section 210(a), the Investigation/Allegation Coordinator will refer the complainant to DOL after coordination with the Regional Counsel and the Director, Enforcement and Investigation Coordination Staff, the Region II point of contact responsible for the regional implementation of the NRC-DOL MOU. This coordination will establish who notifies DOL to ensure that DOL is aware of the complaint and to determine if DOL is investigating the complaint. Region II will not normally initiate any action on such a

complaint if DOL is conducting, or has completed, an investigation and found no violations; however, the matter will be documented on an Allegation Report and entered into the Region II Allegation Tracking System.