

SEP 23 1985

NOTE TO: H. Street Public Document Room

Please place the enclosed memorandum from W. J. Dircks, EDO to the Program Office Directors and Regional Administrators on Procedure for Requesting OI Investigations, dated July 5, 1985, in the Public Document Room.

Bill Brach  
DEDROGR, X24359, 6113 MNBB

cc: VStello  
TRehm  
JDavis  
HDenton  
JTaylor  
GCunningham  
BHayes  
Regional Administrators

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VStello  
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 5, 1985

MEMORANDUM FOR: Harold Denton, Director, NRR  
John Davis, Director, NMSS  
James Taylor, Director, IE  
Thomas Murley, Regional Administrator, Region I  
Nelson Grace, Regional Administrator, Region II  
James Keppler, Regional Administrator, Region III  
Robert Martin, Regional Administrator, Region IV  
John Martin, Regional Administrator, Region V

FROM: William J. Dircks  
Executive Director for Operations

SUBJECT: PROCEDURE FOR REQUESTING OI INVESTIGATIONS

The purpose of this memorandum is to establish EDO policy for requesting investigations from OI.

The primary purpose of an OI investigation is to provide information to assist the staff in making licensing and enforcement decisions. The staff has a significant interest in assuring that it obtains information from investigations necessary for decisions on a schedule that is compatible with the staff's regulatory needs. The Office of Investigations (OI) at the same time is responsible for the quality of investigations and, therefore, must staff and schedule investigations in a manner such that significant matters are thoroughly investigated on a timely basis.

In order for OI to understand the staff's investigatory requirements and to permit OI to exercise its judgments in an informed manner, OI must have sufficient information to enable it to reach informed decisions as to whether to initiate an investigation and, if so, to determine its schedule. The attached form has been developed to assist OI in securing the necessary information to make its priority and scheduling decisions and to keep the various offices fully informed of requests for investigations. All applicable information must be provided on the form which should be reproduced and used when making requests. Copies should be sent to those indicated on the last page of the form. The requests should continue to be made by Regional Administrators to the OI field office and by Office Directors through the EDO to the Director of OI.

Upon receipt of the completed form, OI will evaluate the request and conduct consultations as necessary with the requesting office. OI intends to notify the requester within 30 days as to whether the matter has been accepted for investigation and, if so, the priority of the investigation and estimated schedule. OI will notify the requester if there is a substantial change in the estimated schedule. If a request is not accepted, OI will provide the

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requester with the basis for its decision. Copies of OI correspondence on scheduling and priorities will be sent to those indicated on the request form.

Requests for investigations should continue to be made for allegations or staff concern of potential wrongdoing. Potential wrongdoing includes matters where regulatory violations appear to have occurred with some intent or purpose to violate requirements in contrast to violations involving error or oversight. The term should be construed broadly to capture cases where there may be an intent to affirmatively violate requirements as well as an intent not to comply with requirements where demonstrated by careless disregard or reckless indifference for regulatory requirements.

Program offices in carrying out their oversight responsibilities must be aware within their program areas of matters being referred for investigations, the reasons for the referral, and the requested priorities. When offices initiate referrals, the appropriate regional or program office should be aware of the referral. Coordination and oversight are necessary since, due to resource constraints, all requested investigations may not be able to be conducted or at least not completed by schedules initially sought by the requester. The program offices are responsible to the EDO for assuring within their area of responsibilities that necessary investigations are conducted. Recognizing there may be differences between the staff and OI on priorities and scheduling, regional administrators should notify the Director of the responsible program office of concerns in that area. The Director of the responsible program office, if not satisfied that an investigation priority or schedule established by the OI Director meets regulatory needs, must promptly notify the EDO.

Questions concerning the above guidance should be referred to the Chief Counsel, Regional Operations and Enforcement. In addition informal communications are encouraged between the staff and OI to further assist in achieving the goals of an effective investigation program providing information to serve the staff's needs. In six months, OI and the staff will reevaluate the effectiveness of the attached form.

(Signed) William J. Dircks

William J. Dircks  
Executive Director for Operations

Attachment: As stated

cc: G. Cunningham, ELD  
B. Hayes, OI

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Request No. \_\_\_\_\_

(Region-year-No.)

TO:

FROM:

REQUEST FOR INVESTIGATION

\_\_\_\_\_  
Licensee/Vendor/Applicant

\_\_\_\_\_  
Docket No.

\_\_\_\_\_  
Facility or Site Location

\_\_\_\_\_  
Regional Administrator/Office  
Director

\_\_\_\_\_  
Date

A. Request

What is the matter that is being requested for investigation  
(be as specific as possible regarding the underlying incident).

B. Purpose of Investigation

1. What wrongdoing is suspected; explain the basis for this view  
(be as specific as possible).

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2. What are the potential regulatory requirements that may have been violated?
3. If no violation is suspected, what is the specific regulatory concern?
4. If allegations are involved, is there a view that ~~the~~ allegation occurred? likely occurred \_\_\_\_\_, not sure \_\_\_\_\_. If likely, explain the basis for that view.

C. Requester's Priority

1. Is the priority of the investigation high, normal, or low? \_\_\_\_\_
2. What is the estimated date when the results of the investigation are needed? \_\_\_\_\_
3. What is the basis for the date and the impact of not meeting this date? (For example, is there an immediate safety issue that must be addressed or are the results necessary to resolve any ongoing regulatory issue and if so, what actions are dependent on the outcome of the investigation?)

D. Contact

1. Staff members:
2. Allegers identification with address and telephone number if not confidential. (Indicate if any confidential sources are involved and who may be contacted for the identifying details.)

F. Other Relevant Information

\_\_\_\_\_  
Signature

cc: OI (B. Hayes) \*/  
EDO (W.J. Dircks)  
NRR/NMSS as appropriate (Denton/Davis) \*/, \*\*/  
IE (Taylor) \*/, \*\*\*/  
OELD (Cunningham)  
Regional Administrator \*\*/, \*\*\*/

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\*/ If generated by region.  
\*\*/ If generated by IE.  
\*\*\*/ If generated by NRR/NMSS