Overview

- Allegation Program Description
- Allegation Trend Data
- Areas of Licensee Involvement
  - Requests for Information (RFIs)
  - FOIA Requests
  - Early ADR and OI Investigations
- Allegation Trends/SCWE Assessment
- Recent Efforts

Allegation Program

- NRC program that receives, evaluates, and provides responses to concerns from external sources about issues associated with NRC-regulated activity
- Definition - Declaration, statement, or assertion of impropriety or inadequacy associated with NRC-regulated activity, the validity of which has not been established
  - Low threshold; doesn’t need to be a potential violation
- There are exclusions to the definition - including items provided to NRC by licensee employees acting in their official capacity (Exception to this exclusion: licensee-identified wrongdoing)

Allegation Trends – Website Statistics

- Total Allegations Received
- Allegations Received from On-site Sources
- Discrimination Allegations
- Allegations Still Open
- Allegations Closed and Substantiated
- Allegations Substantiated with Regulatory Response

NRC Staff-Suspected Wrongdoing and Licensee-Identified Potential Wrongdoing concerns are not included in the website data

Allegation Program – Areas of Licensee Involvement (RFI)

- Allegation Request for Information (RFI) to the Licensee
  - Provides as much detail as possible, while protecting alleger identity
  - Includes additional questions, as appropriate
  - Requests licensee to contact NRC before evaluation
  - Requests licensee to share information only on a “need to know” basis
  - Requests 30-day response
- Licensee Response to RFI
  - Focus on the concern, not the alleger
  - Describe evaluator independence/competency
  - If substantiated, identify root/causal causes and corrective actions, as appropriate
  - Even if not substantiated, discuss any response actions taken
  - Provide basis for determining number and cross-section of individuals interviewed and describe content of interview questions
  - Bracket privacy/proprietary information for public withholding
Allegation Program – Areas of Licensee Involvement (RFI)

- NRC Review of Licensee Response
  - Review assigned to responsible NRC technical staff
  - NRC follow-up of inadequate response may include:
    - Telephone discussion(s)
    - Supplemental RFI
    - Inspection/Investigation
  - Adequacy of licensee responses factored into future allegation handling determinations

Allegation Program – Areas of Licensee Involvement (FOIA)

- Documents in NRC possession are subject to potential release if requested under the Freedom of Information Act (FOIA)
- RFIs request licensees to identify proprietary/privacy information in the RFI response to ensure proper redaction by NRC if a FOIA request is submitted
  - Since NRC is requesting and licensees are providing more documentation in response to RFIs, licensees need to continue their diligence in this area

Allegation Program – Areas of Licensee Involvement (ADR and OI)

- Early Alternative Dispute Resolution (Early ADR) of Discrimination Concerns
  - Voluntary
  - Confidential; confidentiality does not restrict reporting safety concerns
  - Settlements agreeable to the NRC will constitute final NRC action
  - Success rate: ~50-60% of negotiated cases reach settlement

- Discrimination/Wrongdoing Concerns Investigated by NRC Office of Investigations (OI)
  - Licensee staff may be asked to participate in interviews
  - Licensee may be asked to provide copies of documents
  - Licensee will be notified of investigation conclusion whether substantiated or unsubstantiated
Allegation Program – Allegation Trends/SCWE Assessment

- Allegation trends - input to ROP Mid-Cycle and End-of-Cycle Assessments and Annual Allegation Trend Report
- Review Criteria - site population-based
  - 1-unit Rx sites (persons < 800) w/allegations > 2.25 x median
  - 2-unit Rx sites (800 ≤ persons ≤ 1000) w/allegations > 3 x median
  - 3-unit Rx sites (persons > 1000) w/allegations > 4.5 x median
  - Only on-site sources considered
- 2014 Median: 3

Allegation Program – 2015 (Mid-cycle)

- New Algorithm
  - 1-unit ≥ 7
  - 2-unit ≥ 10
  - 3-unit ≥ 14
- 2015 mid-cycle median = 3

Site 2011 2012 2013 2014 2015
VOGTLE 3 & 4 9 7 6 19 23
SUMMER 3 & 3 9 10 6 12 23
WATTS BAR 2 12 7 7 8 7
WOLF CREEK 4 5 6 9 6
PILGRIM 5 2 4 5 6
FORT CALHOUN 4 3 3 4 6
HARRIS 3 6 2 2 5

Susquehanna 1 & 2, Vogtle 3 & 4, CB&I (Lake Charles) and Honeywell were selected for SCWE assessments for CY 2014.

Allegation Program – Allegation Trends/SCWE Assessment

- Allegation Trend/SCWE Review
  - Allegation concerns with SCWE implications (Chilling Effect, Anonymous, Discrimination, CAP Ineffective)
  - History of discrimination allegations
  - Impacted avenues for raising concerns
  - Discipline trends
  - Issue trends
  - Receipt rate
  - Problem Identification & Resolution inspection SCWE insights
  - Licensee trends
- Potential Agency Actions
  - Routine oversight (e.g., baseline ROP)
  - Increased SCWE oversight (e.g., inspection, management interface)
  - “Chilling Effect Letter”
Allegation Program - Recent Efforts/Changes

• Allegation Manual
  – Publicly available in ADAMS as of June 2015 (ML15147A700)
  – Companion document to Management Directive 8.8, “Management of Allegations,” which provides guidance to NRC staff responsible for handling allegations
  – Incorporates modified guidance from AGM 2012-001, NRC Chilling Effect Letters (ML12025A055) that discusses circumstances prompting consideration of a CEL involving allegations and other indications of a chilled work environment that do not involve a DOL finding of discrimination.
  – Includes normalization factors (based on site population) for plants tabbed for discussion based on allegation receipt rate

Resources – Website

• NRC Website re: Allegations/SCWE
  http://www.nrc.gov/about-nrc/regulatory/allegations/safety-concern.html
  – FAQs
  – Statistics
  – Annual Reports
  – SCWE Guidance

Resources – Allegation Program Personnel

Agency Allegation Advisor
  Lisamarie Jarriel
  Dave Vito
  Tamara Powell

NRC/NRO/NSS
  (800-368-5642)
  Carleen Parker
  Dori Willis
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Region I
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Region II
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