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Description of document: List of Nuclear Regulatory Commission (NRC) Office of Inspector General (OIG) investigations closed during CY 2013

Request date: 2014

Released date: 27-June-2014

Posted date: 28-July-2014

Source of document: US Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001
Fax: 301-415-5130
Email: FOIA.resource@nrc.gov

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**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2014-0265

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RESPONSE
TYPE

FINAL

PARTIAL

REQUESTER

DATE

JUN 27 2014

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- | |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- | |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- | |
|------------|
| GROUP
A |
|------------|

 Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT*

\$

0.00

You will be billed by NRC for the amount listed.

None. Minimum fee threshold not met.

* See comments for details

You will receive a refund for the amount listed.

Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

Attached are responsive records to your FOIA request.

SIGNATURE - ASSISTANT INSPECTOR GENERAL

Joseph A. McMillan



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

DATE JUN 27 2014

PART II.A -- APPLICABLE EXEMPTIONS

GROUP
A

Records subject to the request that are contained in the specified group are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C., Section 4702(b), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
 - Disclosure will harm an identifiable private or governmental interest.
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrong doing or a violation of NRC requirements from investigators).
 - (C) Disclosure could constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Joseph A. McMillan	Assistant Inspector General, OIG	Group A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

Cases Closed Between 01/01/2013 and 12/31/2013

<u>Case # & Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>CaseType</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>
C 10 012 Special Project NRC Regulatory Oversight	01/26/2010	09/25/2013	(b)(7)(E)	Proactive Initiative	Closed to File	(b)(7)(C)	(b)(7)(C)	1,338
C 10 018 NRC Network Intrusions Project	03/24/2010	12/30/2013		1,377				
C 10 043 Supply Chain Vulnerabilities (part 21 Initiative with NCIX)	08/26/2010	06/12/2013		1,021				
C 11 029 Missing Shipped NRC Computer Equipment	03/15/2011	09/30/2013		930				
C 11 038 Proactive Initiative: Abuse of NRC Transit Subsidy Benefits Program	04/29/2011	08/20/2013		844				
C 11 042 Investigation of Foreign Assignee Security Process	05/17/2011	08/27/2013		833				
C 11 048 Logon Credential Harvesting Using Google Spreadsheets	07/05/2011	04/17/2013		652				
C 12 009 Misuse of Government Time by OPA Employee	11/22/2011	12/18/2013		757				
C 12 024 Misuse of Government Computer by Office of Administration Employee	02/14/2012	05/15/2013		456				
C 12 028 Misuse of Government Computer to View Pornographic Images	03/15/2012	02/15/2013		337				
C 12 038 Contract Irregularities Associated with Dell Services	05/03/2012	09/30/2013		515				
C 12 038 Region IV's Potential Violation of the No Fear Act	05/09/2012	04/15/2013		341				
C 12 040 Misuse of Government Citibank Travel Credit Card by NRO Employee	05/11/2012	09/09/2013		486				
C 12 041 Alleged Harassment and Retaliation By ADM Branch Chief	05/11/2012	01/31/2013		265				
C 12 045 Alleged Harassment By OIS Manager	05/16/2012	07/31/2013		441				
C 12 046 ACRS Member Resigns Position Due to Hostile Work Environment	05/17/2012	04/05/2013		323				

Cases Closed Between 01/01/2013 and 12/31/2013

<u>Case # & Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>CaseType</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>
C 12 048 Falsification of Time and Attendance Records	05/17/2012	11/27/2013	(b)(7)(E)	Full Investigation	Closed to File	(b)(7)(C)	(b)(7)(C)	559
C 12 049 Misuse of Government Equipment and Resources	05/25/2012	02/20/2013		Full Investigation	Closed to File			271
C 12 051 Potential Abuse of Telework and Travel Procedures By OCFO Employees	06/12/2012	11/19/2013		Full Investigation	Closed to File			525
C 12 052 Concerns Regarding the NRC "Open Door Policy" and the "DPO" Process	06/12/2012	02/14/2013		Full Investigation	Closed to File			247
C 12 053 Pinhole Coolant Leak at Davis-Besse	06/15/2012	07/19/2013		Full Investigation	Closed to File			399
C 12 054 Concerns Regarding Region II Handling of Allegation	06/18/2012	02/19/2013		Full Investigation	Closed to File			246
C 12 055 NRC Region IV Mishandling of Concerns Regarding SONGS	06/18/2012	02/20/2013		Full Investigation	Closed to File			247
C 12 057 Misuse of Government Computer System To Engage in Sexually Explicit Chat Conversations	06/27/2012	04/24/2013		Full Investigation	Referred to NRC Management			301
C 12 058 Misuse of a Government Travel Card by an NRO Employee	06/27/2012	09/09/2013		Full Investigation	Referred to NRC Management			439
C 12 060 Alleged Chilled Work Environment and Retaliation by NRR Management Due to Technical Disagreements Pertaining to TVA Plants	07/03/2012	12/30/2013		Full Investigation	Closed to File			545
C 12 061 Pertinent OGC Analyses Allegedly Withheld from Commission	07/12/2012	03/07/2013		Full Investigation	Referred to NRC Management			238
C 12 063 Possible Retaliation by an NRO Management For Raising Safety Concern	07/18/2012	02/20/2013		Full Investigation	Closed to File			217
C 12 064 NRC Region I Handling of Alleged Radioactive Spill at Limerick Power Plant Limerick PA	07/20/2012	01/24/2013		Full Investigation	Closed to File			188
C 12 067 Request for Assistance From NRC DFS	07/27/2012	05/16/2013		Full Investigation	Closed to File			293
C 12 070 Misconduct By Senior NRC Manager	08/03/2012	12/27/2013		Full Investigation	Closed to File			511
C 12 071 Minority Contractor Alleged NRC In Violation of 10 CFR	08/06/2012	06/12/2013	Full Investigation	Closed to File			310	

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Cases Closed Between 01/01/2013 and 12/31/2013

<u>Case # & Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>Case Type</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>
C 12 074 Misuse of Government Computer by Region II Employee	08/09/2012	02/16/2013	(b)(7)(E)	Full Investigation	Referred to NRC Management	(b)(7)(C)	(b)(7)(C)	180
C 12 075 Questions Pertaining to NRC Region II's Handling of Shearon Harris Allegations	08/17/2012	01/30/2013		Full Investigation	Closed to File			168
C 12 076 Abuse of Power by an NRC Director	08/21/2012	01/07/2013		Full Investigation	Closed to File			139
C 12 077 Region II Branch Chief Failure to Followup on Calawba Nuclear Station Allegation	09/07/2012	05/15/2013		Full Investigation	Closed to File			250
C 12 078 Alteration of iLearn Training Records By NRC Employee	09/12/2012	09/19/2013		Full Investigation	Referred to NRC Management			372
C 12 079 Misuse of FOIA Exemption Rules By NRC	09/25/2012	12/30/2013		Full Investigation	Closed to File			461
C 13 001 Release of NRC Security Related Documents by RES Employee	10/10/2012	09/11/2013		Full Investigation	Referred to NRC Management			336
C 13 003 NRC Handling of Contractor Award Process For Region I Contract	10/23/2012	06/11/2013		Full Investigation	Closed to File			231
C 13 004 Fraudulent Time and Attendance Reporting By NRC Employee	10/26/2012	02/21/2013		Full Investigation	Referred to NRC Management			118
C 13 005 NRC Staff's Handling of Jocassee Dam and Oconee Nuclear Station	10/26/2012	12/24/2013		Full Investigation	Closed to File			424
C 13 008 Hacking of NRC Contractor Computer System By Region IV Employee	11/19/2012	07/23/2013		Full Investigation	Closed to File			246
C 13 010 Inappropriate Relationship Between Region III Supervisor and Employee	12/07/2012	09/19/2013		Full Investigation	Referred to NRC Management			286
C 13 012 Questions Regarding Selection Process For Team Leader Position in NRR	12/20/2012	02/20/2013		Full Investigation	Closed to File			62
C 13 013 Potential Abuse Pertaining to NRC Training Program	12/21/2012	05/14/2013		Full Investigation	Closed to File			144
C 13 014 Alleged Lack of Thorough Investigation into Retaliation Complaint by NRC OI	01/04/2013	07/11/2013		Full Investigation	Closed to File			188
C 13 017 Whistleblower Retaliation by NRC Management	01/10/2013	09/13/2013		Full Investigation	Closed to File			246

Cases Closed Between 01/01/2013 and 12/31/2013

Case # & Title	Opened	Closed	Finding	Case Type	Disposition	Team	Case Agent	Days to Close
C 13 019 NSIR Staff Oversight of Force on Force Exercises at Two Exelon Nuclear Power Plants	02/01/2013	12/30/2013	(b)(7)(E)	Full Investigation	Closed to File	(b)(7)(C)	(b)(7)(C)	332
C 13 023 Inappropriate Investigation Process by Washington State Department of Radiation Protection	03/12/2013	07/22/2013		Preliminary Investigation	Closed to File			132
C 13 025 Inappropriate Behavior of An RES Manager	03/19/2013	06/06/2013		Preliminary Investigation	Closed to File			79
C 13 026 Misuse of Travel Funds In Connection To Questionable Training	03/20/2013	05/08/2013		Preliminary Investigation	Closed to File			49
C 13 028 Alleged Time and Attendance Fraud By NRC Region II Employee	04/10/2013	12/30/2013		Full Investigation	Closed to File			264
C 13 030 Potential Inappropriate Relationship Between NRO Supervisor and NRO Staff Member	04/17/2013	08/08/2013		Preliminary Investigation	Closed to File			113
C 13 031 Region IV Handling of Reported Concerns by Palo Verde Employee	04/30/2013	07/19/2013		Full Investigation	Closed to File			80
C 13 032 Potential Employment Negotiations By NRC Chairma with NRC Licensee	05/07/2013	06/08/2013		Preliminary Investigation	Closed to File			30
C 13 035 Questions Concerning A 2004 OIG Investigation Pertaining to A Harassment Complaint	05/21/2013	12/30/2013		Full Investigation	Closed to File			223
C 13 040 NRC Employee Allegedly Audio Recorded a Portion of NRC Meeting Without Consent of Meeting Attendees	06/25/2013	12/30/2013		Full Investigation	Referred to NRC Management			188
C 13 043 Instances of Waste of Taxpayer Funds	08/21/2013	09/30/2013		Full Investigation	Closed to File			101
C 13 044 Misuse of Citibank Government Travel Card by Region I Employee	07/01/2013	09/30/2013		Full Investigation	Closed to File			91
C 13 046 Inappropriate Behavior and Communication By An NRC Senior Manager	07/19/2013	09/19/2013		Full Investigation	Referred to NRC Management			62
C 13 058 Misuse of the Government Travel Credit Card	09/23/2013	12/30/2013		Full Investigation	Referred to NRC Management			98
C 13 060 Alleged Time & Attendance Abuse By OCHOCO Employee	09/30/2013	12/06/2013		Preliminary Investigation	Closed to File			67
C 14 001 Improper Destruction of Classified Documents Pursuant to FOIA Request	10/03/2013	12/30/2013	Full Investigation	Closed to File			88	

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**Cases Closed Between
01/01/2013 and 12/31/2013**

Number of Cases Closed

64

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Cases Closed Between 01/01/2013 and 12/31/2013

Cases Closed by Case Type and Quarter

	1st Q	2nd Q	3rd Q	4th Q	Total
Full Investigation	13	14	10	17	54
Preliminary Investigation	1		3	2	6
Proactive Initiative	1		1	2	4
Total	15	14	14	21	64

Cases Closed by Disposition and Finding

	N/A		Administratively Closed		Fully Substantiated		Partially Substantiated		Unsubstantiated		Total	
Closed to File	10	100%	2	100%	2	13%	3	50%	29	94%	46	72%
Referred to NRC Management					13	87%	3	50%	2	6%	18	28%
Total	10	100%	2	100%	15	100%	6	100%	31	100%	64	100%

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Cases Closed Between 01/01/2013 and 12/31/2013

Number of Cases Closed and Average Days to Close by Team, Case Agent and FY Quarter

		1st Q		2nd Q		3rd Q		4th Q		Total	
		#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days
AIG	(b)(7)(C)							1	1,338	1	1,338
	Total	0	0	0	0	0	0	1	1,338	1	1,338
Team A	(b)(7)(C)	2	313			1	301	5	418	8	377
		1	1,377			2	243	1	515	4	595
						1	79	1	286	2	183
				1	190	3	363			4	320
		2	374							2	374
				1	238			1	399	2	319
		3	380	5	203	1	231	1	188	10	258
				1	271					1	271
	Total	8	487	6	214	6	273	8	386	28	582
Team B	(b)(7)(C)	1	461	1	337	1	310	5	252	8	296
		1	511	1	246	1	49	2	545	5	379
		1	757			2	332			3	474
		1	424					1	62	2	243
				3	148					3	148
		2	93							2	93

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**Cases Closed Between
01/01/2013 and 12/31/2013**

	1st Q		2nd Q		3rd Q		4th Q		Total	
	#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days
(b)(7)(C)	1	188	1	188	2	636	3	416	7	414

Cases Closed Between 01/01/2013 and 12/31/2013

Number of Cases Closed and Average Days to Close by Team, Case Agent and FY Quarter

		1st Q		2nd Q		3rd Q		4th Q		Total	
		#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days
Team A	(b)(7)(C)							1	1,338	1	1,338
	Total	0	0	0	0	0	0	1	1,338	1	1,338
Team B	(b)(7)(C)	2	313			1	301	5	418	8	377
		1	1,377			2	243	1	515	4	595
						1	79	1	286	2	183
				1	190	3	363			4	320
		2	374							2	374
				1	238			1	399	2	319
		3	380	5	203	1	231	1	188	10	258
				1	271				1	271	
	Total	8	487	8	214	6	273	8	386	30	582
Team C	(b)(7)(C)	1	461	1	337	1	310	5	252	8	296
		1	511	1	246	1	49	2	545	5	379
		1	757			2	332			3	474
		1	424					1	62	2	243
				3	148					3	148
		2	93							2	93

**Cases Closed Between
01/01/2013 and 12/31/2013**

		1st Q		2nd Q		3rd Q		4th Q		Total	
		#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days	#	Avg Days
(b)(7)(C)		1	188	1	188	2	636	3	416	7	414