

No. 93-107  
Tel. 301/504-2240

FOR IMMEDIATE RELEASE  
(Tuesday, August 3, 1993)

NRC SEEKS PUBLIC COMMENTS  
ON WHISTLEBLOWER PROTECTION PROGRAM

The Nuclear Regulatory Commission is requesting public comments on its program for assuring that whistleblowers feel free to bring safety-related concerns to the attention of the NRC and/or individual licensees without fear of retaliation.

Specifically, the agency is interested in the views of persons who have made safety allegations, other licensee employees, the regulated industry and other interested persons on whether the NRC has taken sufficient steps, within its existing authority, to create an atmosphere where individuals feel free to engage in protected activities without fear of retaliation.

While the NRC's program for ensuring adequate protection of the public health and safety is not structured to be dependent on safety-related allegations, from a practical standpoint the agency can observe only a fraction of licensed activities and will never have the knowledge possessed by the thousands of workers in the nuclear industry. For that reason, it expects these employees to be free to raise potential safety questions.

While the NRC responds to technical aspects of allegations, to a large degree it relies on the Department of Labor to investigate allegations of discrimination.

A report by the Office of the NRC Inspector General, issued on July 9, found dissatisfaction with the current procedures and efforts and concluded that the NRC process for handling allegations of retaliation does not provide an adequate level of protection for whistleblowers.

The report resulted in the establishment of a special NRC Review Team for Reassessment of the NRC Program for Protecting Allegers Against Retaliation which is to report to the Commission on its findings. The Review Team will use the public comments in developing recommendations for the Commission.

According to its charter, the Review Team is to consider:

- whether the NRC has taken sufficient action to assure that NRC licensees encourage their employees and contractors to raise safety concerns without fear of reprisal;
- whether the current NRC process for handling allegations is appropriate from the perspective of allegeders feeling free to bring safety concerns to the NRC;
- where discrimination may have occurred, are there actions the NRC can take to assist in a speedier resolution within the Department of Labor process; whether the NRC should be more proactive in conducting investigations during the pendency of Department of Labor proceedings; and whether the NRC takes sufficient follow-up action to remove the potential chilling effect arising from the discrimination;
- whether the NRC can and should use civil penalties and orders more vigorously to emphasize the need for licensees to actively encourage employees to raise safety concerns without fear of discrimination; and
- whether the NRC can and should use orders and demands for more information more vigorously where individuals are found to have caused discrimination and whether the NRC is sufficiently proactive in cases where employees raise concerns with the NRC and express fear that they may be subject to retaliation for raising safety concerns.

Accordingly, the Review Team is particularly interested in public comments which address a number of specific questions detailed in a Federal Register notice published on August 2. These questions fall into eight general categories:

- responsiveness and receptiveness of licensees to employee concerns so that employees will feel free to raise safety issues without fear of retaliation;
- responsiveness and receptiveness of the NRC to allegations;
- action to address potential for discrimination;
- NRC investigations during the Department of Labor process;

-- earlier NRC enforcement action;

-3-

-- chilling effect letters;

-- NRC civil penalties; and

-- use of the deliberate misconduct rule.

The Review Team is asking that written comments be received by September 1, 1993. They should be addressed to the Chief, Rules Review and Directives Branch, Nuclear Regulatory Commission, Washington, D.C. 20555.

#