

United States Nuclear Regulatory Commission  
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No. 97-050

FOR IMMEDIATE RELEASE  
(Tuesday, March 25, 1997)

NRC TO PERMIT COMPLAINANTS IN DISCRIMINATION CASES  
TO PARTICIPATE IN ENFORCEMENT CONFERENCES

The Nuclear Regulatory Commission has amended its Enforcement Policy to permit the aggrieved party to participate in predecisional enforcement conferences based on findings of discrimination against an employee for raising safety concerns.

This Enforcement Policy change, although now in effect, is open for public comment through April 23.

Predecisional enforcement conferences are meetings between the NRC staff and licensees. They are held in many instances when NRC learns of a potential violation for which escalated enforcement action (such as a monetary fine) may be warranted. Such conferences provide an opportunity for discussion of the circumstances of the potential violations and any corrective actions the licensee may have taken before a final decision is made on enforcement action. They are normally held in an NRC regional office and are usually open to the public.

This latest modification in the Enforcement Policy refers to enforcement conferences scheduled as the result of an NRC Office of Investigations finding that a licensee or licensee's contractor has discriminated against an employee for raising safety concerns.

Other provisions:

- The investigation report will be made public, subject to appropriate editing to protect the privacy of individuals or the identity of informants.
- Such enforcement conferences will be open to public observation, except for those involving cases in which a particular individual is considered potentially responsible for the discrimination.

- Whether the conference is open or closed, the complainant (the employee or former employee who suffered the alleged discrimination) will normally be given an opportunity to make a statement and presentation, following the licensee's presentation. The licensee will then be given an opportunity to rebut the complainant's presentation.
- Participation is at the complainant's own expense. But if he or she cannot attend in person, NRC will arrange for the complainant to participate by telephone or to submit a written rebuttal to the licensee's presentation.
- If the licensee declines to take part in an enforcement conference and, instead, responds to NRC's findings in writing, the complainant will be given an opportunity to submit a written rebuttal to the licensee's response.
- NRC may not hold an enforcement conference in discrimination cases in which there is a full adjudicatory record before the Department of Labor. But if one is held in such cases, it generally will focus on the licensee's corrective action, and the complainant will be allowed to participate.

Written comments on this Enforcement Policy modification should be mailed to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand-delivered comments should be sent to NRC at 11555 Rockville Pike, Rockville, Maryland, between 7:45 a. m. and 4:15 p. m. on Federal workdays.

Full details of the amendment are contained in a notice in the March 24 edition of the Federal Register.

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