

**PUBLIC MEETING ON THE NRC
PROCESS FOR HANDLING
DISCRIMINATION MATTERS**

- Bill Borchardt
 - Director, Office of Enforcement
USNRC
- Chattanooga Meeting
September 7, 2000



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WHAT ARE OUR GOALS TODAY?

- Provide an Overview of Current NRC Process
- Listen to your Comments and Suggestions
- Respond to your Questions
- Engage in Dialogue
- Obtain input to help in the identification of possible improvements

Attys

NRC Dennis Dambly

Group Composition:

- Bill Borchardt, Director, Office of Enforcement,
Group Leader
- Barry Letts, Office of Investigations Field Office
Director, Region I
- Dennis Dambly, Assistant General Counsel for
Materials Litigation and
Enforcement, Office of General
Counsel
- Ed Baker, Agency Allegation Adviser
- Cynthia D. Pederson, Director, Division of Nuclear
Materials Safety, Region III
- Brad Fewell, Regional Counsel, Region I

AGENDA

- Introduction and overview of Task Group
Activities 7:00-7:30
- Stakeholder Comments 7:30-8:00
- Break 8:00-8:15
- Open Discussion of Issues 8:15-9:00
- Wrap up / Closing Remarks 9:00-9:15

*2-TVA
3-UTP*

*NA. Mark Bajuski
Ed Vignaterra*

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TASK GROUP PURPOSE

- Evaluate the NRC's current process,
- Propose recommendations for improvements,
- Ensure that the enforcement process supports an environment where workers are free to raise safety concerns,
- Promote active and frequent involvement of internal and external stakeholders.

Task Group Schedule

- Evaluate current NRC processes. July-Sept., 2000
- Stakeholder meetings. Sept., 2000-April, 2001
- Review other federal agency processes. Oct.-Dec., 2000
- Develop recommendations Jan.-March, 2001
- Recommendations for public comment. May-June, 2001
- Issue Report with recommendations. June 30, 2001

PUBLIC MEETINGS

- Washington - Sept. 5, 2000
- Chattanooga - Sept. 7, 2000
- San Luis Obispo - Sept. 14, 2000
- Chicago - Oct. 5, 2000
- Paducah - Oct. 19, 2000
- Millstone - Nov. 2, 2000
- Possible Second Round of Meetings Following Development of Recommended Changes

WHO IS THE NUCLEAR REGULATORY COMMISSION?

- An Independent Federal Regulatory Agency
- Created by the Atomic Energy Act and Energy Reorganization Act of 1974
- Regulates the Commercial Use of Nuclear Material
- Primary Responsibility is to Protect the Public Health and Safety

Elements of Discrimination

- Did the employee engage in protected activity?
- Was the employer knowledgeable of the protected activity?
- Was there an adverse action?
- Was the adverse action taken, at least in part, because of the protected activity?

Protected Activities include:

- Notifying an employer of an alleged violation of NRC requirements or safety concern.
- Refusing to engage in unlawful acts, if the illegality has been identified to the employer.
- Testifying before Congress or at ANY Federal or State proceeding related to the provision of the Atomic Energy Act or Energy Reorganization Act.
- Assisting or about to assist in NRC activities .

Adverse Action Includes:

- Discharge (i.e., firing, layoff), or
- Causing an adverse change in the employee's compensation, terms, conditions or privileges of employment.

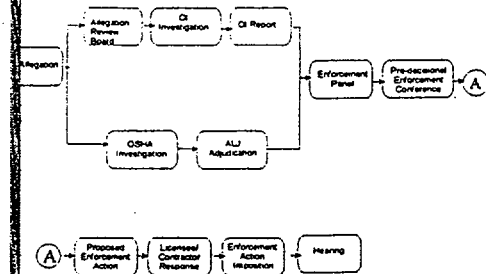
NRC Responsibilities regarding Discrimination

- To promote an environment where employees feel free to engage in protected activities.
- NRC enforcement action is directed at the licensee, contractor and individuals.
 - Notice of Violation
 - Civil Penalty
 - Order
 - Ban from licensed activities

NRC's Role in the Processing of Discrimination Complaints

- The NRC does not have the authority to provide personnel remedies such as restoring a job or ordering back pay.
- U.S. Department of Labor (DOL) has responsibility for providing personal remedies to discriminatory acts such as restoration of back pay, employment status and benefits and compensatory damages to the employee.

Simplified Discrimination Case Complaint





ISSUES FOR CONSIDERATION

- Stakeholder Participation in Process
- Access to Information
- Appropriateness of Sanctions
- Adequacy of Regulations
- Issues raised in Petition for Rulemaking regarding training of supervisors implementing the employee protection regulations.
- Coordination with DOL
- Timeliness
- Process Issues (Hearings, Conferences)
