

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

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



Web Site [www.nrc.gov/OE/](http://www.nrc.gov/OE/)  
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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 Vigalocco*

*2/16*

### 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

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### 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

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**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?

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**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 .

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**Adverse Action Includes:**

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

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**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

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## 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.

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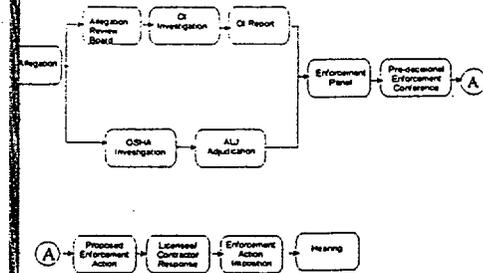
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## Simplified Discrimination Case Complaint



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## 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)

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