

# MEETING ON THE DISCRIMINATION TASK GROUP DRAFT REPORT

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- Frank Congel
- Director, Office of Enforcement  
USNRC



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# Group Composition:

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- Frank Congel, Director, Office of Enforcement,  
Group Leader
  - Bill Borchardt, Associate Director for Inspection and  
Programs, NRR
  - 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
  - Barry Westreich, Office of Enforcement
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# Task Group Goals

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Formed in June, 2000 to:

- Promote active involvement of internal and external stakeholders.
  - Evaluate the NRC's current process.
  - Review/analyze stakeholder comments.
  - Develop recommendations that ensure the investigation and enforcement process supports an environment where workers are free to raise safety concerns.
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# Task Group Schedule

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- Evaluate current NRC processes.  
(Complete) July-Sept., 2000
  - Conduct Initial Stakeholder meetings.  
(Complete) Sept.-Nov., 2000
  - Review other federal agencies processes  
(Complete) Oct., 2000-March 2001
  - Develop recommendations  
(Complete) Jan.-April, 2001
  - Issue Recommendations for public comment.  
(Complete) May, 2001
  - Stakeholder Meetings June-August, 2001
  - Comment Period Ends August 17, 2001
  - Issue Final Report October, 2001
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# **Scheduled Public Meetings**

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- Chattanooga, TN - June 25, 2001
  - Chicago, IL - July 11, 2001
  - Paducah, KY - July 12, 2001
  - San Luis Obispo, CA - August 9, 2001
  - Waterford , CT -August 14, 2001
  - Washington, DC - August 16, 2001
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# **GENERAL COMMENTS RECEIVED**

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- Improve Timeliness.
  - Release Information (e.g. OI Reports) prior to PEC.
  - Conduct of OI Investigations.
  - Establish more Criteria for Determination of Severity Level.
  - Need to better explain Legal Standard used.
  - Clarify DOL/NRC interface.
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# RANGE OF COMMENTS

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## ■ INDUSTRY

- Defer to DOL
- No Individual Actions
- Risk Inform process
- No Enf Action Needed
- SCWE oversight  
but no regulations

## PUBLIC

- Allegers need more protection
  - Allegers need financial  
assistance
  - Take stronger enforcement  
(especially against managers)
  - Current Regs sufficient
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# **NOTABLE RECOMMENDATIONS**

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- Maintain NRC involvement in discrimination issues.
  - Eliminate deferral of cases to DOL.
  - Streamline the process to improve timeliness and allow release of redacted OI reports.
  - Modify the factors for determining Severity Level.
    - Severity of the adverse action.
    - Notoriety of the adverse action.
    - Benefit to the individual.
    - Did the protected activity involve participating in government processes.
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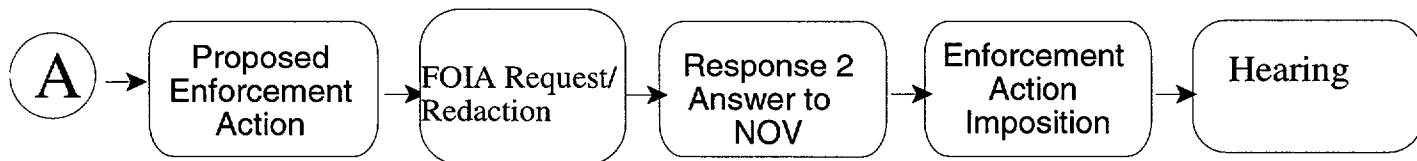
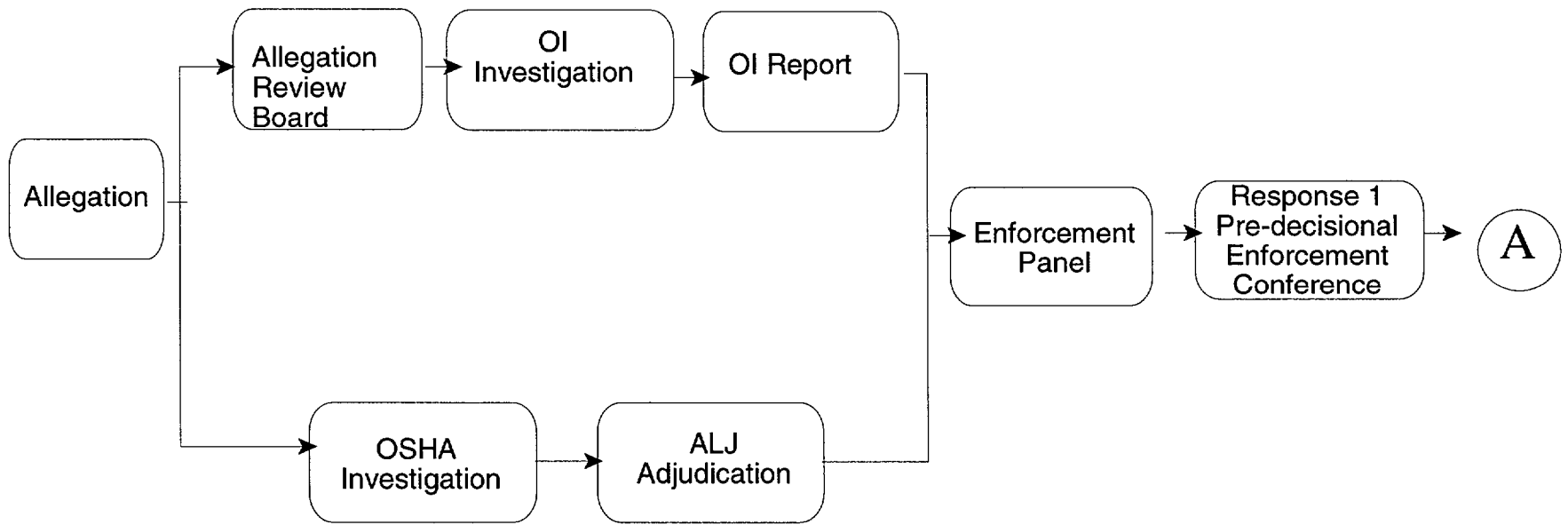
# **NOTABLE RECOMMENDATIONS- Cont**

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- Provide financial support to the allegeders and one personal representative to attend PEC.
  - Modify regulations to allow assessing Civil Penalties to Contractors.
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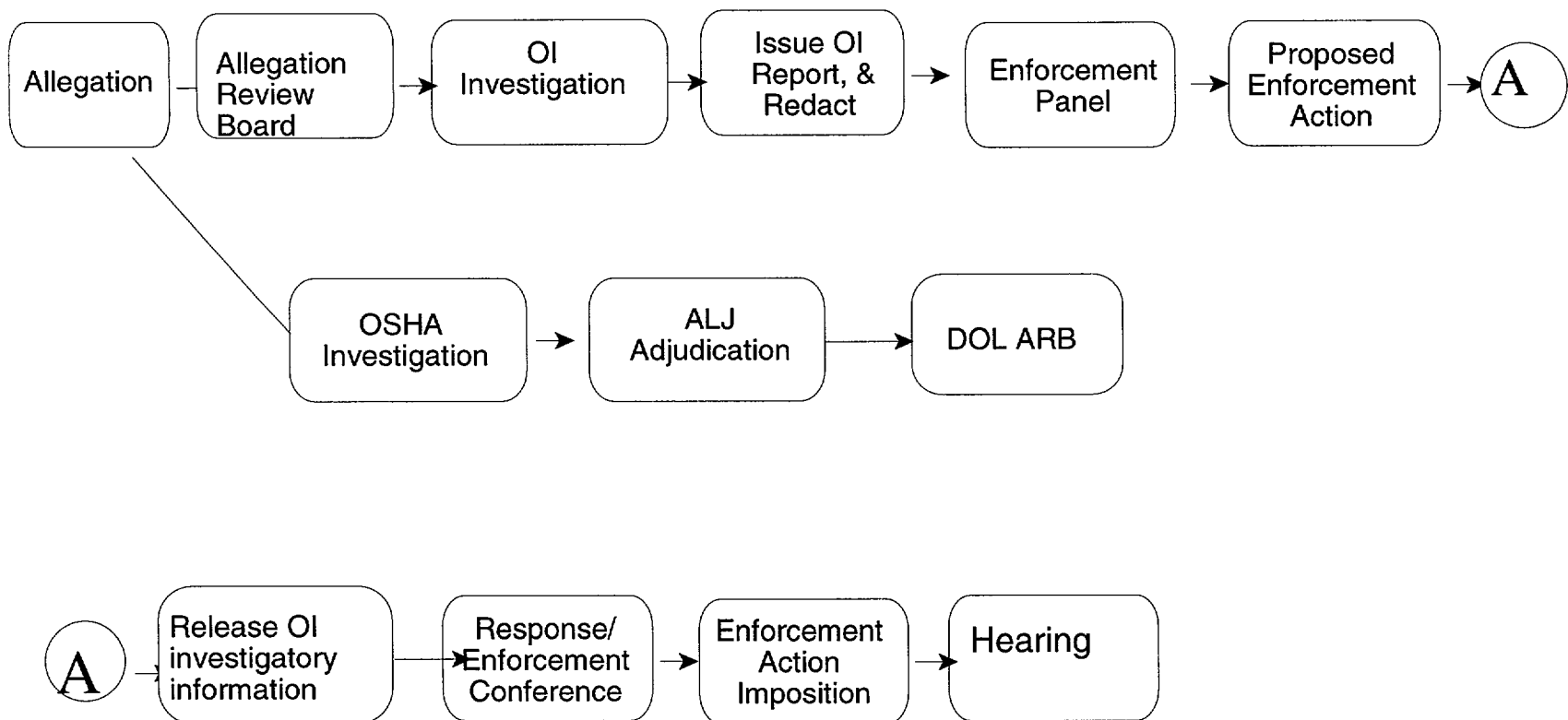
# CURRENT PROCESS

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# RECOMMENDED PROCESS

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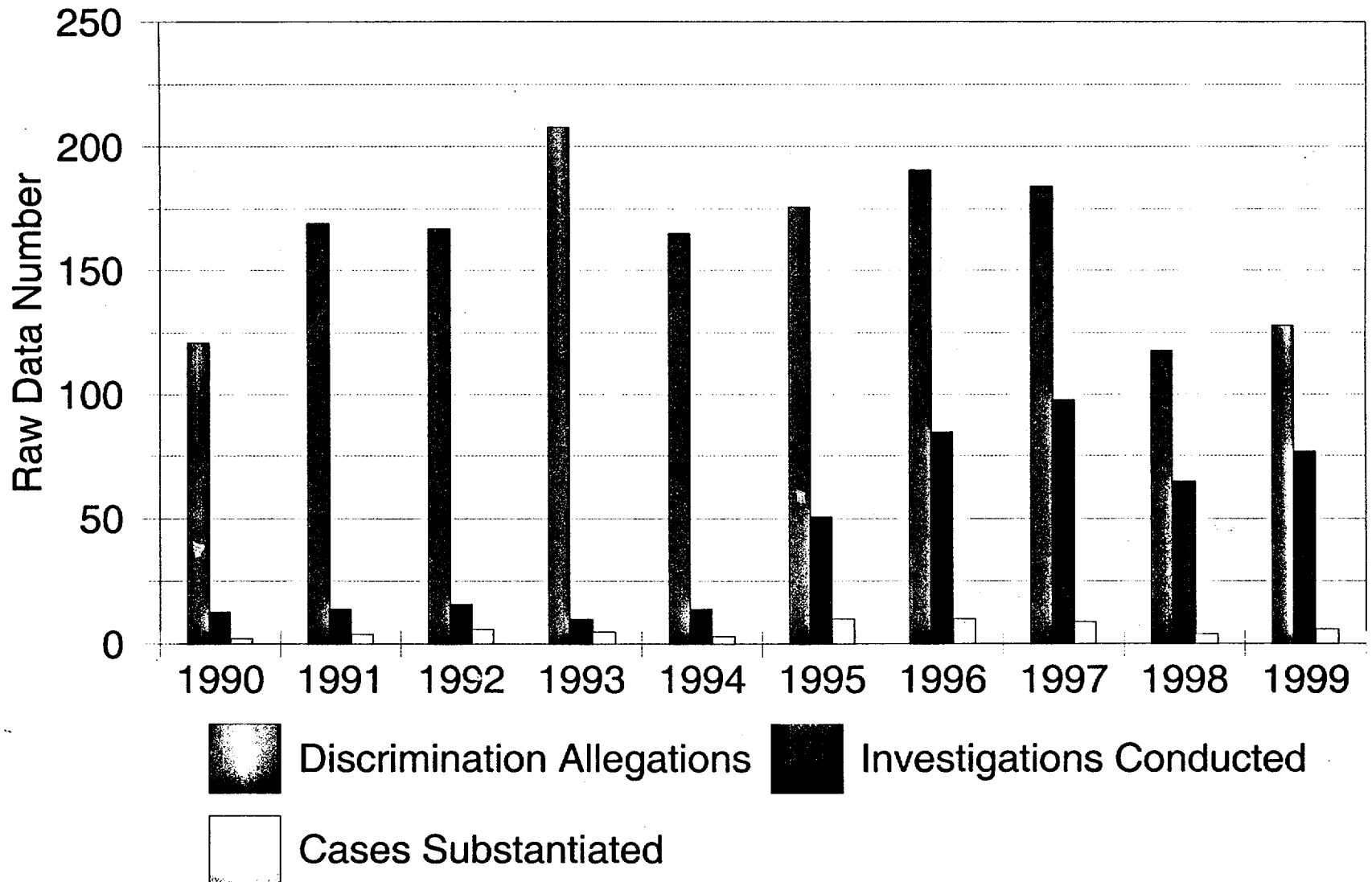
# **FUTURE ACTIVITIES**

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- Stakeholder Meetings and Feedback
  - Comments accepted until August 17, 2001
  - Issue Final Report to Commission
  - Disposition recommendations
  - Tasking to staff for evaluation and follow up
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# Discrimination Cases

The 1990's



July 12, 2001

Dissemination Task Group Meetings.

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