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To: <nrcprep@nrc.gov>, <bcw@nrc.gov>, <oeweb@nrc.gov>
Date: Tue, Sep 18, 2001 12:58 AM
Subject: Draft Discrimination Task Group Report

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Below is the result of your feedback form. It was submitted by Jeff Kriner (jkriner@ieee.org) on Tuesday, September 18, 2001 at 00:57:48

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September 14, 2001

Mr. Barry C. Westreich
Senior Enforcement Specialist, Office of Enforcement
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Subject: NRC Discrimination Task Group Report, "Draft Review and Preliminary Recommendations for Improving the NRC's Process for Handling Discrimination Complaints," April 2001.

Reference: Letter from Jeff Kriner to Bill Borchardt, "Comments Regarding September 5 Meeting for the NRC's Discrimination Investigation," dated September, 10, 2000.

Mr. Westreich,

Comments were requested no later than August 17, 2001. I respectfully submit these late comments. These comments supplement my comments provided in the referenced letter.

After reading the subject reports and various public comments, a very important position the NRC has chosen creates an interesting double standard between the accountabilities of the person making the complaint and the person the complaint is made against.

Section M, "Accountability for False Complaints," of the subject report states in part:

"In the few cases mentioned above [where a complainant provided false information], the staff considered the pros and cons of pursuing enforcement action against the complainant under 50.5. In each case the staff struggled with establishing the appropriate balance between the deterrent that would be created by taking an enforcement action and the potential for discouraging other individuals from filing complaints in the future. The staff determined that based on the limited number of instances in which incomplete or inaccurate information had knowingly been submitted, the benefits of taking an action against a complainant for providing false information were significantly less than the risk of creating such an environment."

Put more simply, the NRC will not pursue taking any action against an individual making false claims because of a fear their own actions may produce a chilling effect and discourage other individuals from filing complaints in the future. The opposite effect of this position can result in providing further confidence

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Add = B.C. Westreich (bcw)

to those individuals considering making false claims since they will not be held accountable for their actions.

Contrasting the aforementioned with the low threshold to hammer and drag someone through the substantial investigation process on little or fabricated information, this double standard for accountability strongly suggests that any rational person avoid taking any action against individuals in the nuclear industry regardless of their legitimate reasons.

Respectfully,
Jeff Kriner

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