November 19, 2002

Mr. Thomas Saporito
National Environmental Protection Center
P. O. Box 1021
Tonopah, AZ 85354

Dear Mr. Saporito:

Your two petitions dated October 1, 2002 addressed to William Travers, Executive Director for Operations of the U. S. Nuclear Regulatory Commission (NRC) have been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. Thank you for bringing these matters to the attention of the NRC.

We have consolidated your two petitions since they deal with similar matters. You request:

1. That NRC provide permanent notice of NEPC contact information on the NRC website.
2. That NRC require Adecco, Inc. and General Electric Company (GE) to affirm under oath that they maintain non-hostile work environments.
3. That NRC issue directives to Regional Administrators requiring that NRC inspect all licensed GE and Adecco facilities to determine if a hostile work environment exists.
4. That NRC require both parties to provide written documentation concerning employee concerns programs.
5. That NRC require both parties to implement employee concerns programs at all licensed facilities.

As the basis for your requests, you state (in summary) that your request #1 is to ensure public awareness of employee whistleblower protections and recourse and in furtherance of environmental laws and regulations which the NRC is mandated and authorized under law to enforce as a matter of public policy. The basis for your other requests (in summary) is that NRC places a high value on nuclear industry employees' freedom to raise potential safety concerns, both to licensee management and to the NRC, without fear of reprisal or actual harassment and intimidation. You cite Section 211 of the Energy Reorganization Act and several NRC regulations concerning employee protection. Licensees and contractors that discriminate against their employees who engage in protected activities are subject to sanctions by the NRC.

Our petition review board (PRB) met on November 5, 2002 to consider your submittals. You declined an invitation to make a presentation at that meeting for the purpose of adding any relevant additional explanation and support for your requests. Representatives of General Electric and Adecco participated by telephone in the meeting. The meeting was recorded. Paul Goldberg, the Petition Manager, sent you a copy of the transcript by electronic mail and and I have attached a copy of the transcript to this letter.

The PRB recommended that your submittals be rejected as a petition under 10 CFR 2.206. They do not meet the criteria for consideration under 10 CFR 2.206 because the information you provide concerning the actions of GE and Adecco is not sufficient or specific enough to permit the consideration of any enforcement action against the two companies. See Management Directive 8.11, Part III (C), pp. 11-12 for the criteria for acceptance and rejection of petitions under 10 CFR 2.206.

Furthermore, NRC cannot provide notice of the services of an outside organization on its website. Although your basic discussion of NRC's policy and statutory and regulatory authority with respect to employee protections is accurate, your inference that NRC can take enforcement action based on the information in your petition is not. Employees who believe they have been subject to discrimination for engaging in protected activities, as defined in the regulations, may seek a remedy through the U.S. Department of Labor. NRC can take enforcement action against licensees and contractors for violations of the employee protection provisions of 10 CFR 30.7 and related regulations but you have not provided any information which would support such action.

You have accepted our offer of a meeting with the PRB to comment on the PRB's recommendations. We will schedule this meeting at a mutually agreeable time. You will be able to attend either in person or by telephone. The meeting is an opportunity for you to provide any relevant additional explanation and support for your requests in light of the PRB's recommendations. See Section III (F) of Management Directive 8.11. Representatives of General Electric and Adecco will also be invited to attend.

Sincerely,

/RA/

Donald A. Cool, Director,
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Materials Safety
and Safeguards

Attachments: Transcript of November 5, 2002,
Petition Review Board
Management Directive 8.11

cc: Nicholas Reynolds, Winston and Strawn
Dudley Rochelle, Littler and Mendelson
Jon Anderson, GE Medical Systems
Donna Skay, NRR

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