

December 26, 2002

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

Dear Mr. Saporito:

My letter of November 19, 2002, (Attachment 1) informed you of the recommendation of our Petition Review Board (PRB) to reject your two petitions dated October 1, 2002, and addressed to William Travers, Executive Director for Operations of the U. S. Nuclear Regulatory Commission (NRC), as petitions under 10 CFR 2.206.

Following our notice to you of the PRB's recommendations, you accepted our offer of a meeting with the PRB to comment on the PRB's recommendations. You subsequently declined to participate in a meeting but asked that the PRB review your petition with the supplementary information you provided. The PRB has considered the material listed in Attachment 2 that you have sent to supplement your petition.

Your requests are:

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 first request is to insure public awareness of employee whistleblower protections and recourse and is 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, including 10 CFR 30.7, 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 December 16, 2002 to consider your submittals, including your original petitions and the supplementary material you submitted. 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.

The PRB reaffirmed its earlier recommendation that your letters, including the supplementary material, 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. The facility immediately at issue, the Jupiter, Florida GE Medical Systems facility, is not licensed by NRC. You have not provided any basis to generalize the alleged incidents or environment to other GE facilities that are licensed by NRC. 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. 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 Department of Labor, which according to the information you have provided, you are pursuing. 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.

Thank you for bringing these matters to the attention of the NRC.

Sincerely,

/RA/

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

Attachments:

1. 11/19/02 letter from Donald Cool to Thomas Saporito
2. List of Supplemental Material provided by Thomas Saporito

cc: Nicholas Reynolds, Winston and Strawn
Adam Herman, Winston and Strawn
Dudley Rochelle, Littler and Mendelson
Jon Anderson, GE Medical Systems

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