

May 14, 2004

The Honorable Ralph M. Hall, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

We have enclosed a copy of a notice of denial of a petition for rulemaking (PRM) submitted by the Union of Concerned Scientists and docketed as PRM-30-62. The petition requested that the U.S. Nuclear Regulatory Commission (NRC) amend its employee protection regulations to require licensees to provide training to its management (i.e., first-line supervisors, managers, directors, and officers) to make certain that they are aware of their obligations under these regulations, and that individual managers be held accountable for their actions under the deliberate misconduct regulations. The petitioner believes this change would prevent licensee management from using "ignorance of the law" as an excuse for violating employee protection regulations and allow the NRC to take enforcement action against individuals for those violations.

The NRC has considered the petition and its supporting rationale and, for the reasons provided in the Federal Register notice, the petition is denied. The NRC concluded that although a licensee manager may have received training on the discrimination regulations, this alone does not constitute enough evidence that an adverse action the individual licensee manager took was deliberate. The NRC believes that instead of promulgating new rules, the best approach to achieve the intent of the petition is through enhancement of the enforcement policy to encourage training, along with development of regulatory guidance and communicating this guidance to licensee management and to its employees.

The Federal Register notice denying the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

/RA/

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register Notice

cc: Representative Rick Boucher

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Federal Register Notice  
cc: Representative Rick Boucher  
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\*See previous concurrence. Identical letter was sent to The Honorable George V. Voinovich with  
cc to Senator Thomas Carper

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May 14, 2004

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

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