

November 23, 2015

EA-15-151

Mr. James Pritchett, Plant Manager
Honeywell Metropolis Works
Honeywell International, Inc.
P. O. Box 430
Metropolis, IL 62960

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION AND CONCLUSIONS OF NRC INVESTIGATION (OFFICE OF INVESTIGATIONS REPORT NO. RII-2014-A-030) – HONEYWELL INTERNATIONAL, INC.

Dear Mr. Pritchett:

This letter provides you the results of an investigation that was completed on June 24, 2015, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI), regarding Honeywell International, Inc. (Honeywell). The investigation was conducted to determine whether a former contract laundry facility worker for Bluestone, LLC (Bluestone) was discriminated against for raising a safety concern. Based on the evidence gathered during the OI investigation, the NRC concluded that a violation of NRC requirements occurred (Title 10 of the *Code of Federal Regulations* (10 CFR) 40.7). Specifically, the individual was interviewed in February 2014 and was determined to be the most likely candidate for a Bluestone supply storeroom assistant position at Honeywell's Metropolis, Illinois facility by a Honeywell interviewing official. However, the former contract laundry facility worker was ultimately not hired for the position by Bluestone, citing poor performance. The NRC determined that the basis of the individual's failure to be hired was, in part, due to the safety concern raised by the individual. This violation was discussed with you on September 14, 2015 by Mr. Shahram Ghasemian and Ms. Nicole Coleman of my staff during a telephone conversation.

On March 11, 2015, the NRC issued a Confirmatory Order (CO), EA-14-114 [ML15055A094], to Honeywell International, Inc. to reflect commitments agreed to during an alternative dispute resolution (ADR) mediation session to address a 2012 incident involving the same former contract laundry facility worker while s/he was employed by Bluestone. The March 2015 CO requires Honeywell to take several actions relating to ensuring a safety conscious work environment at the Metropolis facility to enhance the processes for the free flow of information between its contractors and the company. Some of these actions include: (1) develop and include a provision within its future agreements with contractors that expressly highlights the contractors' obligation to comply with NRC's Employee Protection Rule under 10 CFR 40.7; (2) ensure that contracts require contractors to certify that any formal adverse actions are not taken for reasons prohibited by the Employee Protection Rule; and (3) develop and conduct initial safety conscious work environment training and annual refresher training.

During the investigation associated with EA-14-114, the NRC became aware of the 2014 allegation that the individual was not hired for a Bluestone position at Honeywell, as described

previously. At the time of the failure to hire, neither Honeywell nor Bluestone were aware of the NRC's findings in the case involving the former contract laundry facility worker's termination.

Normally, the violation that is the subject of this letter would be considered for escalated enforcement. However, in accordance with NRC Enforcement Policy, Section 3.5, the NRC concluded that exercising of enforcement discretion and refraining from taking enforcement action is appropriate in this case because; 1) the same protected activities contributed to two sequential adverse employment actions against the former contract laundry worker roughly during the same period and involving substantially the same individuals; 2) this violation occurred prior to the issuance and implementation of the March 2015 CO; and 3) the requirements of the March 2015 CO are tailored to address the root causes of the current violation. This exercise of discretion is limited to this case and should not be construed as the relaxation of the NRC's long standing policy of holding licensees responsible for the acts of their employees and contractors, nor as excusing personnel or contractor errors.

No further action or response is required on your part unless the description in this letter does not accurately reflect your position. In that case, or if you choose to provide additional information, you should clearly mark your response as a "Reply to an Exercise of Enforcement Discretion, EA-15-151", and send it to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter, please contact Ms. Nicole Coleman at (301) 415-1048.

Sincerely,

/RA/

Patricia K. Holahan, Director
Office of Enforcement

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Patricia K. Holahan, Director
Office of Enforcement

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OE r/f

N. Coleman, OE

D. Cylkowski, OGC

R. Sun, NMSS

S. Sparks, Region II

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