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From: Kevin R. Doody <krdoodo@yahoo.com>
To: <nrcprep@nrc.gov>
Date: Fri, Sep 29, 2000 12:14 PM
Subject: Discrimination Task Group

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Below is the result of your feedback form. It was submitted by
Kevin R. Doody (krdoodo@yahoo.com) on Friday, September 29, 2000 at 12:13:47

OF

ADL

Affiliation: Self-Alleger

Comments: As noted on the NRC Web Site:

"Submittal of Petition for Rulemaking, "Employee Protection Training," submitted by the Union of Concerned Scientists (UCS) on August 13, 1999. This petition for rulemaking requested that NRC's licensees be required to provide training of first line and above supervisors of their responsibilities in implementing the employee protection regulations.

Federal Register notice announcing the receipt of UCS's petition for rulemaking on employee protection training published on October 27, 1999. The announcement for the NRC Discrimination Task Group stated that the Group would consider the issues raised in this rulemaking petition."

I would like to express my support for this petition, although I do not personally believe that it solves the real problems that resulted in the generation of this petition by UCS. It appears to me that UCS is attempting to remove the 'I did know about the law' excuse used by the licensee, specifically the RPM, in EA 99-012 to avoid personal liability for his actions. I think it is a shame that such a requirement is necessary given the clarity of the issue. In my opinion, such action is necessary because the NRC did not want to do its job with regards to the referenced violation.

In May 1996, the Commission issued a policy statement on the "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation" [FR 24336]. This policy statement had first been published in draft in February 1995 [FR 7592], and was based on modified recommendations of the Allegation Review Team report published as NUREG-1499. The basic thrust of the policy statement was to clarify the Commission's expectation that licensees and other employers subject to NRC authority will establish and maintain a safety-conscious work environment in which employees feel free to raise concerns both to their management and the NRC without fear of retaliation. (Source: NRC web site)

With this document, the following statements were made:

"Initial and periodic training (including contractor training) for both employees and supervisors may also be an important factor in achieving a work environment in which employees feel free to raise concerns. In addition to communicating management expectations, training can clarify for both supervisors and employees options for problem identification. This would include use of licensee's internal processes as well as providing concerns directly to the NRC.5 Training of supervisors may also minimize the potential perception that efforts to reduce operating and maintenance costs may cause supervisors to be less receptive to employee concerns if identification and resolution of concerns involve significant costs or schedule delays. (emphasis added).

The previous statement is full of very good recommendations that were presented to the licensees in the form of permissions. Obviously, licensees did not take the hint. Thus, I support UCS's petition. However, I go one step further and fully support the NRC statement that "Initial and periodic training (including contractor training) for both employees and supervisors may also be an important factor in achieving a work environment in which employees feel free to raise concerns." Thus, I recommend that

it is time to remove the permission and to regulate the requirement that initial and periodic annual training (including contractor training) on 10CFR50.7 and harassment and intimidation for engagement in protected activity be given to both employees, supervisors, and managers of licensees (including appropriate corporate management). Additionally, it should be required that evidence of the training be documented and retained by the licensee.

Submit2: Submit comments

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Subject: Discrimination Task Group
Creation Date: Fri, Sep 29, 2000 12:13 PM
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