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To: <nrcprep@nrc.gov>
Date: Sun, Oct 1, 2000 9:29 AM
Subject: Discrimination Task Group

65 FR 43383
July 13 - 2000
(2)

Below is the result of your feedback form. It was submitted by
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Affiliation: Self

Comments: The NRC Enforcement Web Page makes the following statement:

"The Commission uses three primary enforcement sanctions: Notices of Violation, civil penalties, and orders. A Notice of Violation identifies a requirement and how it was violated, and formalizes a violation. A civil penalty is a monetary fine issued under authority of Section 234 of the Atomic Energy Act. Civil penalties may be assessed up to \$110,000 per violation per day. Notices of Violation and civil penalties are issued based on violations. Orders may be issued for violations, or in the absence of a violation, because of a public health and safety issue."

Understanding that the limitation on civil penalties for power reactors has been raised to \$120,000 per day, why hasn't, or why shouldn't, the NRC fine licensees for substantiated acts of employment discrimination for each day that the matter remains unresolved once the licensee has been made aware of the violation?

Such action by the NRC, which could be implemented right now (at least that would be my understanding) would substantially motivate licensees to obtain prompt and accurate resolution of alleged acts of discrimination at their facilities by removing the 'business decision' aspect of discrimination matters.

For example: A manager at a commercial nuclear power station in a maintenance shutdown is approached by an employee with a safety concern. The safety concern could result in a delay of (1) day in the maintenance outage. The well trained manager is aware of this fact. The (1) day delay in the shutdown would equate to about \$500,000 in lost revenue. The manager ignores the complainant and the licensee engages in discrimination against the individual. The potential litigation costs are much less than the lost revenue from the outage delay, so the manager makes a 'good business decision'. The case is resolved four years later to the benefit of the employee. Litigation costs are approximately \$300,000. A good business decision.

However, if the NRC would apply fines at \$120,000 a day for each day that the matter remained unresolved, after the licensee became aware of the potential violation, then a possible fine of 3 years X 365 days/yr X \$120,000 /day = \$131.4 Million could be levied...now that would encourage resolution of discrimination concerns by licensees in a timely manner.

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Call: R. Petersen (RMP)