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To: <nrcprep@nrc.gov>
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Subject: Discrimination Task Group

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Below is the result of your feedback form. It was submitted by
Kevin R. Doody (krdoody@yahoo.com) on Saturday, October 7, 2000 at 09:26:14

Affiliation: Self

Comments: This is an open letter to the Task Force and particularly to the Task Force Group Leader.

On October 5, 2000, I attended the Discrimination Task Force Meeting in Lisle IL. During this meeting, I attempted to discuss the enforcement panel worksheet related to a specific case of discrimination (EA 99-012). The enforcement panel worksheet is a document-product of the current NRC process for handling discrimination cases. I obtained this document through a Freedom of Information request.

I was immediately confronted with questioning by the Task Group Leader at the beginning concerning the appropriateness of discussing this document in this forum. The Task Group Leader allowed me to proceed and stated 'let's see where this goes'. I recall a specific statement at the start of my presentation by the Group Leader that indicated that 'we weren't going to rehash this again'. I was not rehashing anything...I was simply presenting the content of the Enforcement Panel Worksheet and asking questions with regards to this worksheet. During my presentation, the Group leader informed the group that this was a 'internal NRC document' and should be considered as such.

According to an audience member, the Group leader made numerous 'negative facial expressions' during my presentation. Since the Task Group Leader was sitting to my left, I was not aware of these actions. I was also interrupted by the Group Leader a number of times during my presentation regarding the materials and I specifically recall a statement by the Task Leader stating that "my method of presentation was causing everyone to get lost"...there was no feedback from anyone else regarding this. The Task Group Leader spoke for the forum. Ultimately, I discontinued my presentation.

I found the experience to be a little disconcerting. I believe that I deserve the opportunity to freely express my opinion and ask questions regarding the current NRC enforcement process as it relates to discrimination matters, without characterization/influencing comments from task group members until my presentation has been completed. In fact, I was actually personally invited to this meeting by the Director of OE. I would expect, and believe I deserve, the opportunity to present my opinions and observations, and to ask questions, regarding the NRC Discrimination allegation process without such disconcerting actions on the part of task force members. I hope that future meetings will be conducted in a more professional and appropriate manner.

The Task Group Leader suggested that the content of my presentation was not applicable to the purposes of the meeting. I whole-heartedly disagree. My presentation was applicable.

My presentation was applicable for the following reasons:

1. During his opening presentation, the Task Group Leader identified goals for the meeting, in part, as follows: "Listen to Comments and Suggestions, Respond to your questions, and Obtain input to help in the identification of possible improvements". Clearly I had comments, asked questions, and was providing input to help identify improvements to the current process.
2. Under Agenda, there was to be an 'open discussion of issues'. Somehow, I didn't feel it was an 'open discussion'.

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add: B. Westreich (BCW)

3. During the presentation, the Task Group leader stated the following purposes: Evaluate the NRC's current process, Propose Recommendations for Improvement, and Ensure that the process supports an environment where workers are free to raise safety concerns. I did not get a chance to finish my presentation, or I would have addressed more regarding possible improvements. Certainly, my presentation regarded an evaluation of the 'current process' (Enforcement Panel Document). Certainly, the presentation would involve a whistleblower's perception of how the current NRC process supports a work environment where workers are free to raise safety concerns...I would argue that the NRC process, in this case, and probably others, does not support this.

4. The Simplified Discrimination Case process flow sheet in the Group Leader's presentation showed the OI investigation to OI report to Enforcement Panel process...My presentation regarded these matters exactly. My presentation was relevant.

5. Under Issues for Consideration, the Task group leader identified Access to information, Stakeholder participation in the process, Appropriateness of Sanctions. I specifically questioned 'severity levels and appropriateness of sanctions'. Stakeholders should have access to all NRC documentation involved in a discrimination case (allegor and licensee)

6. The Task Group Charter states that "Enforcement actions need to be predictable, fair and able to withstand scrutiny, since they could result in civil penalties, orders, or actions to individuals and are viewed by stakeholders as an indicator of the seriousness with which the NRC views discrimination issues. The overall objective of the NRC employee protection regulations is to promote an atmosphere where employees feel comfortable raising safety concerns." (emphasis added). My presentation was directly on course with this charter statement. Can the NRC actions in EA 99-012 withstand public scrutiny? I say 'no'. Do the NRC actions related to EA 99-012 promote a safety conscious work environment? I would say 'no'. My presentation was relevant to the charter of the committee.

In summary, I believe that I could have been treated in a much more professional and fair manner regarding my presentation. My presentation is appropriate and applicable to the goals and purposes of the Task Force. It appears to me that the NRC is reacting much like a licensee would react when confronted with its own short comings...interfere, and obstruct. In my opinion, The NRC needs to accept the criticism of their processes in an open manner in order to implement meaningful and appropriate changes to the current process.

It is my intention to give the same presentation at the Paduhca KY meeting on Oct 19. I would appreciate it if I would be allowed to complete my presentation without undue distraction.

Thank you.

Kevin Doody

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