



# **POLICY OPTIONS FOR NRC'S PROCESS FOR DISCRIMINATION ISSUES**

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## **Discrimination Task Group (DTG) Background**

- Formed in April 2000**
- Evaluated NRC's process for handling matters related to employee protection standards**
- Proposed recommendations for improvement**

## **DTG Background Cont'd**

- Conducted meetings in the regions and public meetings throughout the country**
- Draft report issued in April 2001**
- Additional meetings held and expanded scope of review**
- Final report issued in April 2002**

## **Overview of Comments**

- Improve process timeliness**
- Prior release of Office of Investigation (OI) documents**
- Investigative technique concern**
- Whistleblower assistance**
- Aggressive NRC pursuit of these cases is unnecessary and can lead to chilling effect on management**

# **Evaluation of Basic Policy Questions**

- Should NRC continue to be involved in discrimination matters?**
- Should the NRC base actions on individual cases of discrimination or focus on Safety Conscious Work Environment (SCWE)?**

## **Basic Policy Questions Cont'd**

- Should the NRC investigate individual cases or rely on the Department of Labor (DOL)?**
- Should the NRC base actions on the underlying risk significance of the technical issues associated with a complaint?**

## **DTG Recommendations**

- No single proposal would address all the concerns that exist**
- Raise threshold for OI referral**
- Resequence enforcement conference**
- Eliminate DOL referral**
- Evaluate use of Alternative Dispute Resolution (ADR)**

# **DTG Recommendations Cont'd**

- Release OI reports prior to enforcement conference**
- Rulemaking to allow issuance civil penalties to licensee contractors**
- Assessment of OI investigative techniques**



# **Senior Management Review Team**

- **Reviewed the DTG's findings and recommendations**
- **W. F. Kane, DEDR**
- **C. J. Paperiello, DEDMRS**
- **S. J. Collins, NRR**
- **M. J. Virgilio, NMSS**
- **L. A. Reyes, Region II**

# **Senior Management Key Considerations**

- NRC strategic performance goals**
- Risk-informed and performance-based framework**
- Clarity and predictability in NRC programs**
- Licensee experience and stakeholder comments**

# **Senior Management Conclusions**

- **Interim modifications to current process, incorporating the DTG's streamlining recommendations, to address stakeholder concerns**
- **SCWE rulemaking, incorporating key elements of current NRC employee protection provisions, is recommended for the longer term**

# **SCWE Rulemaking Vision**

- Licensees establish and implement SCWE programs**
- NRC would oversee licensee programs through inspection**
- NRC's role shifts from reactive to proactive**
- Reduced perception of dual regulation with DOL**

## **Proposed Attributes of SCWE Rule and NRC Oversight Program**

- Graduated SCWE program for different classes of licensees**
- Employee and supervisor training and communication**
- Performance measurement and indicators**

# **Expected Outcomes**

- Maintain safety**
- Increase public confidence**
- Make NRC activities and decisions more effective, efficient, and realistic**
- Reduce unnecessary regulatory burden**