

*NRC Regulatory Information
Conference 2001*

Session W5
**NRC Implementation of
Employee Protection
Regulations:**

Opportunity for Improvement

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Consensus

- ▶ **Strong consensus that NRC should revise approach to employee protection**

- ▶ **Stakeholders uniformly cite:**
 - ▶ **Fundamental lack of fairness**
 - ▶ **OI investigatory methods**
 - ▶ **Enforcement standards and evaluation process**
 - ▶ **Lack of timeliness**

Objectives of Reform

- ▶ **Eliminate flaws cited by stakeholders**
- ▶ **Restore the balance of interests contained in the statute and regulation**
- ▶ **Avoid immediate focus on wrongdoing**
- ▶ **Avoid unnecessary duplication and inefficiency**

Achieving Reform Objective

- ▶ **Leave individual discrimination claims to Department of Labor (DOL)**
- ▶ **Focus NRC resources on underlying safety concerns and on potential for work environment impacts**
- ▶ **Issue enhanced guidance establishing rational standards and processes where enforcement is considered**

Leave Individual Claims to DOL

- ▶ **DOL would investigate/adjudicate individual claims**
- ▶ **Ordinarily, NRC would not refer allegations to Office of Investigations**
- ▶ **NRC enforcement would be reserved for “exceptional circumstances”**

Focus NRC Resources

- ▶ **Allegations of discrimination should be evaluated by NRC to determine:**
 - ▶ **Potential impact of safety concern on plant safety**
 - ▶ **Effectiveness of licensee actions (both before and after) to prevent potential “chilling effect”**
- ▶ **Monitoring and managing work environment remains a licensee function**
 - ▶ **Present NRC oversight role and regulatory tools are sufficient**

Enhance Guidance for Enforcement Cases

- ▶ **NRC should identify “exceptional circumstances” criteria (where enforcement would be considered)**
- ▶ **NRC should promulgate guidance on evaluation of alleged 50.7 violation**
- ▶ **NRC management should provide oversight to ensure adherence to guidance**

Other Enforcement Process Reforms

- ▶ **Set deadlines for investigation and enforcement evaluation phases**
- ▶ **Release investigation report and evidence prior to predecisional enforcement conference**
- ▶ **Revise Enforcement Policy to reflect graded approach to severity levels**
- ▶ **Develop meaningful process to appeal proposed enforcement sanctions**

Conclusions

- ▶ A new approach is imperative to address the flaws in the current process
- ▶ *Proposed revisions are not an opportunity for NRC to impose additional regulatory requirements related to work environment without undertaking rulemaking*
- ▶ All stakeholders will benefit from a fairer, more open, and more timely approach