

Title: UNIVERSITY OF MISSOURI-COLUMBIA:

DISCRIMINATION AGAINST RESEARCH REACTOR STAFF BY  
MANAGEMENT FOR RAISING SAFETY CONCERNS

Licensee:

Case No.: 4-2000-029

UNIVERSITY OF MISSOURI-COLUMBIA  
Research Reactor Center  
Research Park  
Columbia, MO 65211

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Reviewed and Approved by:



Wm. Michael FitzGibbon  
Special Agent  
Office of Investigations  
Field Office, Region IV



E. L. Williamson, Director  
Office of Investigations  
Field Office, Region IV

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SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission, Office of Investigations, Region IV on May 15, 2000, to determine if a [redacted] at the University of Missouri Research Reactor (MURR), University of Missouri-Columbia (MU), Columbia, Missouri, was the subject of employment discrimination by management for raising safety concerns.

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Based on a review of the testimony, documentary evidence developed during the investigation, and coordination with the Office of Nuclear Reactor Regulation technical staff and Office of General Counsel, the allegation that a [redacted] at the MURR, MU, Columbia, Missouri, was the subject of employment discrimination by management for raising safety concerns was not substantiated. It was further concluded that the anonymous allegation that MURR management created a potential chilling effect was substantiated.

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Case No. 4-2000-029

TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS.....	1
LIST OF INTERVIEWEES.....	5
DETAILS OF INVESTIGATION.....	7
Applicable Regulations.....	7
Purpose of Investigation.....	7
Background.....	7
Interview of Allegor.....	8
Coordination with Office of Nuclear Reactor Regulation.....	10
Coordination with Office of General Counsel.....	10
Allegation No. 1 (Discrimination Against Research Reactor Staff by Management for Raising Safety Concerns).....	10
Review of Documentation.....	10
Testimony/Evidence.....	13
Agent's Analysis.....	18
Conclusion.....	20
Allegation No. 2 (Anonymous Allegation of a Chilling Effect at MURR).....	20
Testimony/Evidence.....	20
Agent's Analysis.....	28
Conclusion.....	29
LIST OF EXHIBITS.....	31

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Case No. 4-2000-029

LIST OF INTERVIEWEES

Exhibit

MURR, MU.....	2
MURR, MU.....	19
MURR, MU.....	17
MURR, MU.....	21
MURR, MU.....	22
MURR, MU.....	23
MURR, MU.....	18
MURR, MU.....	24
MURR, MU.....	25
MURR, MU.....	26
MURR, MU.....	27
MURR, MU.....	28

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Case No. 4-2000-029

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Case No. 4-2000-029

DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.7: Employee Protection (2000 Edition), Allegation 1

10 CFR 50.7: Employee Protection (2000 Edition), Allegation 2

Purpose of Investigation

7c This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on May 15, 2000, to determine if [redacted] University of Missouri Research Reactor (MURR), University of Missouri-Columbia (MU), Columbia, Missouri, was the subject of employment discrimination by management for raising safety concerns (Exhibit 1).

Background

On April 12, 2000, an unplanned high radiation area was created at the MURR when a fuel element for its nonpower reactor core was moved and temporarily stored in an unshielded area of the reactor pool. MURR officials said a beam of radiation was emitted through the unshielded 2- by 2-foot section of the reactor pool wall because maintenance workers had removed the concrete brick shielding from that section 2 days prior to the incident. Due to the incident, an inspection team from the NRC's Office of Nuclear Reactor Regulation (NRR), Events Assessment, Generic Communications, and Non-Power Reactors Branch (NRR/DRIP/REXB) inspected the MURR facility on April 14, 2000.

7c During the personnel interviews at MURR conducted by the inspection team, [redacted] expressed a number of technical concerns subsequently addressed by the staff. Additionally, [redacted] related that MU was not receptive to complaints and took no action to correct identified problems. He said MU punishes those who expose problems or criticize actions [NFI]. [redacted] MURR, MU, was abusive, nonresponsive, and inaccessible, adding that [redacted] took actions [NFI] against those who made problems known.

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Case No. 4-2000-029

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7c In 1993, OI, Region III (RIII), conducted an investigation regarding the safety climate, chilling effect, and fear of retaliation at the MURR. The Department of Labor and the NRC substantiated the allegations, and the MURR instituted corrective actions. According to the staff, [redacted] concerns appear to suggest a continuing pattern of harassment and intimidation.

7c On May 9, 2000, the NRR Allegation Review Board (ARB) discussed the inspection, supra, and [redacted] allegations of harassment and intimidation by MURR management. The NRR ARB requested OI pursue the alleged employment discrimination concerns. OI:RIII requested investigative assistance from OI:RIV.

Interview of Allegor [redacted] (Exhibit 2)

On [redacted] was interviewed by OI:RIV and NRR/DRIP/REXB. [redacted] related the following information in substance.

According to [redacted] MURR, MU, sent out an electronic mail (e-mail) to MURR staff members advising that, [redacted] would have to move from their current offices to the [redacted]

7c [redacted] contacted the NRC Headquarters [NFI] to discuss the meaning of ALARA. [redacted] stated he was not satisfied with the response he received from the NRC, which included the receipt of a brochure that was "utterly useless" [NFI] (Exhibit 2, page 11). [redacted] stated that although he identified other concerns in his correspondence with the NRC, he did not report these concerns to MURR management, and therefore, were not the bases for any retaliatory actions on the part of MURR [NFI].

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Case No. 4-2000-029

8  
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said MURR appeared to be discouraging [redacted] and/or long-service employees were being encouraged to leave MU. [redacted] as a result of policies instituted by [redacted] was currently struggling with management as a result of his [redacted]

7c

[redacted] advised that MURR management had been very successful in setting up a hostile working atmosphere where nothing an employee did was right and any question asked was either ignored or responded to in a negative manner. [redacted] described the atmosphere as demeaning. According to [redacted] these changes came about when [redacted]

7c

(Exhibit 2, page 22).

[redacted] said the chilling effect at MURR existed for complaints regarding any matter, including safety concerns. [redacted] said it was unrealistic to expect MURR staff to "stick their neck out" (Exhibit 2, page 28) about safety matters unless it was of overwhelming importance. Regarding reporting nuclear safety-related concerns, [redacted] stated he would have to make a technical decision as to whether or not people were going to be injured or containment was going to be breached, otherwise he would not report the concern.

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During the interview with [redacted] NRR/DRIP/REXB representatives also discussed several technical issues with [redacted]

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Case No. 4-2000-029

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Coordination with NRR

On July 6, 2000, OI:RIV provided the transcript of interview with [redacted] to the Greg CWALINA, Senior Allegations Coordinator, NRR, for review and determination of any potential violations of NRC regulations (Exhibit 3).

7c

On August 15, 2000, Marvin M. MENDONCA, Senior Project Manager, NRR/DRIP/REXB, advised his review of [redacted] transcript of interview did not identify any new technical issues (Exhibit 4).

Coordination with Office of General Counsel

July 6, 2000, OI:RIV provided the transcript of interview with [redacted] to the Office of General Counsel (OGC), via CWALINA, for their review to determine if [redacted] was engaged in protected activities and the possible subject of employment discrimination (Exhibit 3).

7c

On July 26, 2000, Susan S. CHIDAKEL, Staff Attorney, OGC:NRC, advised her review of [redacted]

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[redacted] (Exhibit 5).

Allegation No. 1: Discrimination Against Research Reactor Staff by Management for Raising Safety Concerns

Review of Documentation

E-mail from [redacted] (Exhibit 6)

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In this e-mail, [redacted]

E-mail from [redacted] (Exhibit 7)

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In this e-mail, [redacted] that the minimum charge for beam port research involving analysis/instrument use was \$1,250 per analysis/instrument day.

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Case No. 4-2000-029

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Memorandum from [redacted]  
(Exhibit 8)

7c This memorandum was a cover letter to the FY99 Performance Reviews [redacted]. The memorandum indicated that the merit scores [redacted] for FY99 ranged from [redacted]. In the memorandum, [redacted] also indicated MURR's primary mission was service to the MU campus.

1999 Performance Review, [redacted] (Exhibit 9)

[redacted] 1999 Performance Review stated he had [redacted] and stated that [redacted]. The Performance Review also indicated [redacted]. Based on these research accomplishments, [redacted]. The Performance Review explained that although [redacted]

7c [redacted] The performance narrative went on to say that although [redacted]

[redacted] Based on this behavior, [redacted]. In the Performance Review, [redacted]

[redacted] outlined FY00 goals for [redacted]. [redacted] closed the Performance Review by stating that [redacted].

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Case No. 4-2000-029

11 Portions withheld,  
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E-mail from  
(Exhibit 10)

7c ] that Don Bryant's group [NFI] was being moved to room 230T in TOB2 [temporary operating Building 2]; therefore, the ] would be moved to the ] stated he expected the

MURR Memo from  
(Exhibit 11)

In this memorandum,

E-mail from  
(Exhibit 12)

In this e-mail,

FY00 1st Quarter Performance Review,  
(Exhibit 13)

In this Performance Review,

7c ] added that

7c ] and that ] MURR's primary mission of service to the MU campus.

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Case No. 4-2000-029

12 Portion withheld,  
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FY00 2nd Quarter Performance Review.  
(Exhibit 14)

In this Performance Review,

\_\_\_\_\_ during the performance review  
period, his \_\_\_\_\_  
\_\_\_\_\_ expected of MURR employees.

University of Missouri Personnel Action Form.  
(Exhibit 16)

This document indicated \_\_\_\_\_ appointment to MURR was  
effective from \_\_\_\_\_

Testimony/Evidence

The following individuals were interviewed regarding \_\_\_\_\_  
allegation that he was discriminated against for reporting a  
safety concern and stated the following information in substance.

Interview of \_\_\_\_\_ (Exhibit 17)

On \_\_\_\_\_  
\_\_\_\_\_, MURR, MU, was interviewed by OI:RIV. \_\_\_\_\_ related the  
following information in substance.

\_\_\_\_\_ related that in the fall of 1999, the MURR Space Team [NFI]  
decided to use space \_\_\_\_\_ for temporary office

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7c space for several students and faculty members. According to [redacted] he was notified of the plan and had no safety concerns regarding the move since there would be no significant configuration changes that would alter the radiation hazard in the area. [redacted] said the [redacted] had been used for many years for office space and the plan he was shown was very similar to the setup that had previously existed. [redacted] stated that during the 10 or more years the [redacted] was used as office space, he was unaware of any problems. [redacted] related that his only concern regarding the proposed plan was that it was not good utilization of the space. [redacted] stated the area represented research space and was better utilized in that manner.

7c [redacted] but would look at recent surveys to determine if there were grounds for such a concern. [redacted] also contacted him and [redacted] could not recall any other MURR employees contacting him with similar concerns. [redacted] recalled forwarding [redacted] via both e-mail and through conversations with [redacted] although he did not recall providing [redacted]

7c [redacted] stated that late in December 1999, the students were moved [redacted] said the plan presented to him indicated it was a temporary move until more appropriate office space was available and the time frame he was given for moving the [redacted] out was late summer of 2000. [redacted] were moved from the [redacted] in August 2000.

Interview of [redacted] (Exhibit 18)

On [redacted] was interviewed by OI:RIV and related the following information in substance.

7c [redacted] he notified the [redacted] via e-mail regarding [redacted] [redacted] said MURR management wanted to free up office and lab space, and since the [redacted] [redacted] worked on the [redacted] it made sense to move them.

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Case No. 4-2000-029

14 Portions withheld  
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[redacted] said he received e-mails from [redacted] following his [redacted] e-mail in which they raised [redacted]

[redacted] stated he conferred with Health Physics and asked them to review the issue. [redacted] said he also copied [redacted] on his e-mail regarding the issue so that [redacted] was aware of the concerns [redacted]. According to [redacted] health physics indicated there were no concerns and indicated the [redacted] [redacted] was used for office space in years past with no adverse effect. [redacted] were subsequently moved [redacted] although the move did not take place for several months [NFI].

[redacted] related that when [redacted] MURR began focusing on life sciences and medical and neutron scattering research lost priority. [redacted] stated this change in focus was primarily for fiscal reasons. [redacted] said MURR was over \$1 million in debt and MURR management and MU wanted to correct this. [redacted] said research was one area that could be cut without jeopardizing safety, so neutron scattering research became a lower priority. [redacted] advised that one change [redacted] instituted after assuming [redacted] was to make beam port charges more uniform in that it was his [redacted] expectation that all researchers pay for the use of the beams.

[redacted] described [redacted]. According to [redacted] at-will employees work at the wishes of MU and MU had the right to release at-will employees at any time. [redacted] said the typical contract length for at-will employees was 1 year and MU was under no obligation to renew the contract every year.

[redacted] related that [redacted] but with the new focus of serving the MU research community which called for collaboration with other MU departments, as opposed stand-alone research, [redacted]

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Case No. 4-2000-029

15 Portions withheld  
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Interview of

(Exhibit 19)

On [redacted] was interviewed by OI:RIV and related the following information in substance.

[redacted] stated MURR had been without a director for approximately 18 months and the MURR's future was in doubt. [redacted] said MU made the decision to keep the reactor running and [redacted] to change the way business was conducted at MURR. [redacted] said MURR was over \$1 million in debt and also had several million dollars of liabilities and accounts receivable. [redacted]

[redacted] to turn MURR around and a decision was made to focus on the life sciences and health care as opposed to the traditional focus on material sciences and neutron scattering. [redacted] said another basic need was for MURR to better mesh with the campus. [redacted] said no one was fired as a result of the change in focus at MURR, although some of the

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Case No. 4-2000-029

16

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EX 7c

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7c (Exhibit 19, page 9) and pursued other job opportunities.

7c said other researchers took advantage of MU's early retirement program.

7c instituted, including consistent application of beam port charges to all researchers, companies, and organizations to recover the costs of operating the reactor, but the

7c said MURR was not in a downsizing mode and he was not looking to cut people, only change their ways of doing business.

7c According to

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Case No. 4-2000-029

17 Portions withheld

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stated it was MU's and his right to renew employment contracts for at-will employees.

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in September 1999 regarding the intent to [redacted] although his [redacted] involvement was limited to asking [redacted] about the situation, and [redacted] assured him [redacted] it was a safe situation and that the NRC had reviewed the situation several times and found it to be consistent with their policies and procedures.

Agent's Analysis

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An analysis of the evidence was performed to determine if [redacted] was the subject of employment discrimination by MURR management for raising safety concerns.

1. Protected Activity

According to [redacted]

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[redacted] concern regarding the move can be described as protected activity.

2. Employer Knowledge

As indicated supra, [redacted] (Exhibit 17, page 14) and [redacted] (Exhibit 18, page 8) were aware of [redacted]

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[redacted] Additionally [redacted] stated he was aware that [redacted]

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Case No. 4-2000-029

18 Portions Withheld  
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3. Adverse Action

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that due to these negative Performance Reviews, he was forced to take an early retirement from MURR. A review of [redacted] Performance Reviews subsequent to his protected activity (Exhibits 13 and 14) disclosed numerous [redacted]

Standing on their own, these negative Performance Reviews can be classified as adverse actions.

There was no evidence that [redacted]

7c

Although [redacted] may have [redacted] regarding the expiration of his employment with MURR, [redacted] rather than meet the goals set forth to him [redacted] at MURR. Therefore, [redacted] cannot be considered an adverse action.

4. Did Adverse Action Result from [redacted] Engaging in Protected Activity?

A review of [redacted] FY99 Performance Review (Exhibit 9) and testimony from [redacted] (Exhibits 18 and 19, respectively) indicated [redacted] predated his protected activity.

According to [redacted]

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[redacted] remarks on his 1st and 2nd Quarter FY00 Performance Reviews (Exhibits 13 and 14, respectively).

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Case No. 4-2000-029

19 Portions withheld  
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protected activity, it appears the licensee would have taken the same action based on performance issues identified prior to the protected activity.

### Conclusion

Based on review of the testimony and documentary evidence developed during the investigation and coordination with the NRR technical staff and OGC, the allegation that [redacted] was the subject of discrimination by management for raising safety concerns was not substantiated.

Allegation No. 2: Anonymous Allegation of a Chilling Effect at the MURR

### Testimony/Evidence

During the conduct of instant investigation, OI:RIII received an anonymous facsimile, forwarded to NRR and subsequently OI:RIV, that requested an "independent external survey" of MURR employees to determine if a chilling effect existed (Exhibit 20). The following individuals were interviewed regarding the anonymous allegation regarding a possible chilling effect at MURR and stated the following information in substance.

#### Interview of [redacted] (Exhibit 17)

[redacted] stated he could report nuclear safety-related concerns to MURR management without fear of retaliation and was unaware of any MURR employees who had been retaliated against for raising nuclear safety-related concerns. [redacted] said he was also unaware of a chilling effect at MURR. According to [redacted] was a very direct, straightforward manager, although he always gave a complete and thorough hearing of his point of view.

#### Interview of [redacted] (Exhibit 21)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

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Case No. 4-2000-029

20 Portions withheld  
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According to [redacted] he would not be comfortable raising nuclear safety-related concerns to MURR management, [redacted] for fear of retaliation. [redacted] stated that if an employee had a concern, including a nuclear safety-related concern, they had to consider it carefully before raising the issue. [redacted] According to [redacted] did not encourage a questioning attitude. [redacted] said he had not raised concerns to [redacted] although he had raised "one or two small concerns anonymously" through the Missouri Safety Oversight Committee (MSOC). [redacted] advised that even when filing an anonymous concern with the MSOC, you had to be cautious to file the concern in such a way as to not to identify yourself for fear of possible retaliation.

[redacted] had no direct knowledge of any retaliation against MURR employees for raising safety concerns, although he [redacted] heard that [redacted]

[redacted] said

[redacted] said this list consisted of employees, including [redacted] MU had decided were no longer desirable because of a change in the MU's vision for the research reactor from research to service. [redacted] opined that DEUTSCH chose the most argumentative or disagreeable employees to release first, [redacted] stated that since [redacted] were already identified for release, any issues or concerns they might have were ignored [redacted]

[redacted] stated he was very uncomfortable about talking to OI:RIV because it identified him as an employee who may say something negative, which would ultimately get back [redacted]

Interview of [redacted] (Exhibit 22)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

[redacted] stated he could raise nuclear safety-related concerns to MURR management without fear of retribution and was not aware of

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Case No. 4-2000-029

21 Portions withheld  
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70 any MURR employees having been retaliated against for raising safety concerns. According to [redacted] he felt comfortable reporting concerns to MURR management. In [redacted] opinion, the other MURR [redacted] would not have a problem raising safety concerns to management or the NRC, although there may be other MURR employees who do not feel they can raise concerns without retribution [NFI]. [redacted] stated he did not believe there was a chilling effect at MURR.

Interview of [redacted] (Exhibit 23)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

70 [redacted] stated he felt free to raise nuclear safety-related concerns to MURR management without fear of retaliation, and although he believed there was no chilling effect at MURR which prevented employees from reporting nuclear safety-related concerns, he believed there may have been a "natural" chilling effect brought about by [redacted] change in MURR research priorities and resultant decrease in staffing. [redacted] advised that [redacted] was no longer favored by [redacted] for MU and was replaced by radiopharmaceutical research. According to [redacted] MURR has gone from approximately 140 personnel to approximately 70 in 3 years. [redacted] stated that this reduction created a certain level of anxiety among MURR employees regarding their positions, which caused employees to be extremely careful in raising questions which might not be looked upon favorably by MURR management. [redacted] said only two of eight [redacted] were still employed at MURR.

70 [redacted] believed MURR employees were hesitant to be critical of management, but was uncertain if that constituted a chilling effect or resulted in a fear to report safety concerns among MURR employees. [redacted] said he did not have a problem reporting concerns, but would be careful in criticizing [redacted]

Interview of [redacted] (Exhibit 24)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

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Case No. 4-2000-029

22 Portion's withheld -  
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7c [ ] stated he could raise nuclear safety-related concerns to MURR management without fear of retribution. According to [ ] he would initially report his concerns to his direct supervision, although if his concerns were not handled to his satisfaction at that level, he would raise the concern with an assistant director, [ ] or the NRC, if necessary. [ ] believed that he would not suffer any adverse employment actions for reporting concerns and was unaware of any MURR employees having suffered an adverse employment action for having raised a safety concern. [ ] stated he had not personally experienced, nor was he aware of any chilling effect at MURR.

Interview of [ ] (Exhibit 25)

7c On [ ] MURR, MU, was interviewed by OI:RIV. [ ] related the following information in substance.

AGENT'S NOTE: In [ ] filed a complaint with the Department of Labor (DOL) alleging he was discriminated against by MURR management for identifying safety concerns. DOL found in favor of [ ] and an Administrative Law Judge subsequently issued a Recommended Decision and Order on [ ] which concluded that unlawful employment discrimination had occurred [ ]

7c According to [ ] for most types of concerns, he would not hesitate to voice a concern, although for some types of concerns [ ] including any concerns having policy implications or that be perceived to reflect on [ ] leadership, he [ ] would be hesitant. [ ] said these types of concerns would not be "well tolerated" (Exhibit 25, page 6) and there was a good possibility he would be retaliated against in some way.

[ ] believed there was a chilling effect among the research scientists which had manifested itself as low morale and a determination to avoid conflict with reactor management. [ ] said the chilling effect began when [ ] decided to change from nonfaculty/nontenure tracked research scientists to a faculty model, which necessitated that the current research scientists would have to leave. According to [ ] since that time, there was a desire to populate the scientific program at

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Case No. 4-2000-029

23 Portions withheld,  
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70 the reactor with regular faculty as opposed to scientists and, for the most part, the research scientists did not willingly oblige. [ ] stated this created a conflict from the very beginning and led to negative interactions between the scientists and [ ] advised one recent incident illustrated the chilled environment. [ ] related that during a recent all-MURR staff meeting, [ ] led a discussion of the recent operational violations of reactor operations when [ ]

[ ] said the question upset [ ] stated that in his opinion, if an employee had serious disagreements with [ ] on any issue, whether it was safety policy, research policy, or reactor utilization, then these were not interactions that were going to be good for the employee's career.

70 [ ] stated that if he became aware of a nuclear safety-related concern, in almost each and every case, he would report his concern, although there was a gray area where if he had a concern he knew was going to put him in conflict with [ ] and MU policies, then he would carefully consider the issue and conduct his own risk assessment to determine how probable that issue was to result in a radiation safety problem or a reactor operations problem. [ ] said he believed [ ] [NFI], a close advisor to [ ] were solid and he [ ] would not have any concerns about bringing a radiation safety problem to them.

70 According to [ ] one of the largest radiation projects at MURR was to irradiate topaz, which historically was done in a canister containing individual topaz gem stones. [ ] said MURR had done this since the early 1980s, although the MU administration was not very proud of that program and wanted to end it [NFI]. [ ] stated that since the program brought in a great deal of money, MU reached a compromise in that MURR would no longer accept topaz from disparate entities, but would only deal with one customer who would provide the topaz in sealed radiation containers.

(Exhibit 25, page 17) without any review or without any inspection of the contents. [ ]

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Case No. 4-2000-029

24 Portions withheld -  
EX 7C

70

Interview of [redacted] (Exhibit 26)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

[redacted] stated that although he felt he could raise nuclear safety-related concerns to MURR management, he was not convinced that he would not be retaliated against for doing so. [redacted] explained that [redacted] style emphasized an intimidating approach to dealing with employees, in particular with the research scientific staff. [redacted] indicated one example was when [redacted] at a meeting of research scientists held by [redacted]. According to [redacted] during the meeting and was later [redacted]. [redacted] said an e-mail poll regarding [redacted] was taken and most of the [redacted]. According to [redacted] later told the research staff that it was intolerable for the research staff to have such opinions and told them that if they disagreed with him [redacted] they were welcome to come to him and discuss their "future unemployment" (Exhibit 26, page 7). [redacted] said he interpreted [redacted] statement to mean the staff either adopted [redacted] opinions or be terminated.

[redacted] stated he had never been retaliated against for raising nuclear safety-related concerns, nor was he aware of any MURR employees who were. [redacted] said that [redacted] public statements had always emphasized the importance of feeling free to raise nuclear safety concerns and he [redacted] had not heard anyone imply that you could lose your job for raising a safety concern. [redacted] went on to say he believed that if he did raise a nuclear safety-related concern, he might suffer an adverse action. [redacted] said [redacted] style emphasized threat and intimidation and adherence to a party line and he [redacted] "would not put it past him to retaliate for raising a safety concern" (Exhibit 26, page 10). [redacted] related that he was uneasy talking to OI since it possibly identified him as someone who might describe the atmosphere at MURR in negative terms.

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

25

Portions withheld -

EX 7C

7C

Interview of (Exhibit 27)

On [redacted] MURR, MU, was interviewed by OI:RIV. [redacted] related the following information in substance.

According to [redacted] he had raised concerns on several occasions and the concerns were taken thoughtfully and answered in a friendly manner. [redacted] stated he had not been retaliated against for raising concerns, but was aware of several research scientists who were. According to [redacted] when [redacted] arrived at MURR, he [redacted] related his intentions to cut back on [redacted] research. [redacted] said [redacted] in an attempt to save [redacted] although he [redacted]

[redacted] claimed that as a result of the [redacted]

[redacted] (Exhibit 27, page 9). [redacted] stated that [redacted] were subsequently involved in voicing nuclear safety-related concerns to MURR management when their [redacted] believed the move was in retaliation for [redacted]

[redacted] said he believed that there was a chilling effect at MURR which was created by [redacted]

[redacted] described [redacted] style as one of obedience, fear, and irrational authority. [redacted] indicated he felt comfortable reporting concerns to "old" MURR people, although he would hesitate raising issues to [redacted] for fear of retaliation. [redacted] related that on two occasions, [redacted] said that criticism was disrespect, disrespect was hostility, and hostility was something that would not be tolerated and would result in termination.

[redacted] intimidating style created a chilling effect at MURR. [redacted] stated he would report nuclear safety-related concerns to [redacted] because he believed [redacted] was too smart to retaliate against an employee for raising safety concerns.

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

26 Portions withheld  
EX 7C

7C

Interview of (Exhibit 28)

On MURR, MU, was interviewed by OI:RIV. [related the following information in substance.

7c [ stated he could raise nuclear safety-related concerns to MURR management without fear of retribution, and although he had known employees that had difficulties with reactor management after they raised safety questions, there were also underlying nonnuclear safety-related questions being raised at the same time. [

[ was singled out as somebody that was a troublemaker following his questioning of by-product licensing materials [NFI].

[ subsequently stated that he would report a nuclear safety-related concern to MURR management, although he felt that there was a possibility that he may suffer an adverse employment action for doing so.

AGENT'S NOTE: This contradicts [ ] initial statement that he could raise nuclear safety-related concerns to MURR management without fear of retribution.

7c [ related that some members of MURR management in the last few years had lost the trust of a lot of the employees. identified [ ] [NFI] and [ ] [NFI] as two members of MURR management who he had tried to discuss issues with and it "came around on" him (Exhibit 28, page 8). [ stated when [

[ ] [NFI].

Interview of (Exhibit 18)

7c [ related that [ ] had a strong management style that might intimidate employees, but one of the things [ ] insisted on was employees must raise safety issues. [ ] said he did not have any problem raising concerns to [ ] and felt he could go to him [ ] at anytime to discuss issues. [ ] said he hoped all MURR employees would be willing to bring forth nuclear safety-related concerns.

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

27

Portions withheld  
EX 7C

7C

Interview of, (Exhibit 19)

7C [ ] stated that MURR had an atmosphere, especially in the area of safety, where a questioning attitude was welcomed and encouraged. [ ] highlighted the MURR indoctrination program, which outlined the employee's responsibility to raise safety issues to either the MURR management, MSOC, or to the NRC.

7C [ ] said the MSOC was an employee-based group formed to allow an employee who may feel intimidated raising a safety concern to management to raise it anonymously to fellow employees and have it filter through the organizations so that the management would not know which employee raised the concern.

7C [ ] as "a little cold, a little stand-offish" (Exhibit 19, page 26). [ ] compensated for his nature by creating an informal atmosphere in his office and by promoting or hiring managers who were more "warm and fuzzy ... who can help bridge that gap" (Exhibit 19, page 27).

[ ] self-described cold nature would intimidate employees and have a spill-over effect on the reporting of safety concerns. [ ] related that the first announcement he gave to MURR personnel when he first arrived was on the importance of safety.

7C AGENT'S NOTE: During the transcribed interviews with [ ] each provided OI:RIV with copies of recent performance reviews, citing the possibility that they would be retaliated against for speaking to OI:RIV

[ ] indicated the Performance Reviews reported their meeting or exceeding goals as set by MURR, and each would view a subsequent decline in performance ratings as possibly linked to their testimony to OI:RIV. The performance reviews will be maintained in the OI case file.

### Agent's Analysis

Of the eight nonmanagement MURR employees interviewed, six had concerns regarding raising safety issues to management and four reported a chilling effect and fear of retaliation for reporting safety issues (see Table 1). Although the number of MURR employees interviewed regarding the existence of a chilling effect was relatively small, the fact that 50 percent reported a fear of retaliation from MURR management, and [ ] in

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

28

Portion's withheld  
EX 7C

7C

particular, indicated the potential for a significant chilling effect at MURR was present. It should be noted that among present and former [redacted] the percentage of employees interviewed who felt they would be retaliated against for reporting safety concerns was 80 percent, and among [redacted] the percentage was zero. This may be as a result of the decline in research priority for [redacted] or the fact that the research scientists are "at-will" employees, although this does not abrogate MURR of their responsibility for maintaining an environment free from fear to report concerns.

Name	Position	Would you raise concerns?	Is there a chilling effect?	Do you fear retaliation?
[redacted]	[redacted]	No	Yes	Yes
[redacted]	[redacted]	Yes	No	No
[redacted]	[redacted]	Yes	No	No
[redacted]	[redacted]	Yes	No	No
[redacted]	[redacted]	No	Yes	No
[redacted]	[redacted]	Yes	Yes	Yes
[redacted]	[redacted]	Yes	Yes	Yes
[redacted]	[redacted]	Yes	No	No

Table 1

Conclusion

Based on review of the testimony developed during the investigation, it was concluded that in the opinion of [redacted] there was a potential chilling effect at MURR and a reluctance felt to report safety concerns to MURR management.

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

29 Portions withheld  
EX 7C

7C

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Case No. 4-2000-029

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated May 15, 2000.
2	Transcript of Interview of [REDACTED]
3	Memorandum to CWALINA, dated July 6, 2000.
4	E-mail from MENDONCA, dated August 15, 2000.
5	E-mail from CHIDAKEL, dated July 26, 2000.
6	E-mail from [REDACTED]
7	E-mail from [REDACTED]
8	Memorandum from [REDACTED]
9	1999 Performance Review, dated [REDACTED]
10	E-mail from [REDACTED]
11	MURR Memo from [REDACTED]
12	E-mail from [REDACTED]
13	FY00 1st Quarter Performance Review, dated [REDACTED]
14	FY00 2nd Quarter Performance Review, dated [REDACTED]

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Case No. 4-2000-029

31 Portions withheld  
EK 7C

7C

15

16

University of Missouri Personnel Action Form,  
dated [redacted]

17

Transcript of Interview of [redacted]

18

Transcript of Interview of [redacted]

19

Transcript of Interview of [redacted], dated

20

Anonymous Facsimile to RIII, June 7, 2000.

21

Transcript of Interview of [redacted]

22

Transcript of Interview of [redacted]

23

Transcript of Interview of [redacted]

24

Transcript of Interview of [redacted]

25

Transcript of Interview of [redacted]

26

Transcript of Interview of [redacted]

27

Transcript of Interview of [redacted]

28

Transcript of Interview of [redacted]

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

Case No. 4-2000-029

32 Portions withheld  
EX 7C

7C