



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005**

June 13, 2003

EA-03-040

Garry L. Randolph, Senior Vice  
President and Chief Nuclear Officer  
Union Electric Company  
P.O. Box 620  
Fulton, Missouri 65251

**SUBJECT: RESPONSE TO ALLEGED DISCRIMINATION (2003-ERA-008)**

Dear Mr. Randolph:

On March 21, 2003, you responded to our March 5, 2003 letter regarding alleged discrimination against an employee of The Wackenhut Corporation (TWC), your security contractor at the Callaway Plant. Our letter was in response to a January 22, 2003, finding by the Regional Administrator of the Occupational Safety and Health Administration (OSHA) that the evidence obtained during its investigation indicated a violation of the employee protection provisions of the Energy Reorganization Act (Section 211 of the ERA). Our letter requested that you describe actions taken or planned to assure that this matter was not having a chilling effect on the willingness of other employees to raise safety and compliance concerns.

In your response, you stated that your own investigation of this matter included interviews of several TWC and Union Electric personnel involved in security and had not found that the OSHA determination had affected the willingness of individuals at the Callaway site to raise concerns to your organization, to contractors, or to the NRC. You also indicated that you had contracted with a firm used by many nuclear plants to perform an independent survey of the safety-conscious work environment at Callaway, with results expected in the July-August 2003 time frame, and that in the interim Union Electric and contractor management would vigilantly monitor and promote a safety-conscious work environment. You stated that you had personally communicated these expectations to the president of TWC.

The NRC has reviewed your response and determined that no further actions are required at this time. We recognize that TWC appealed OSHA's determination and that a hearing is pending before an administrative law judge. In addition, as we informed you previously, the NRC's Office of Investigations (OI) has an ongoing investigation into this matter to determine whether a violation of 10 CFR 50.7 occurred.

Please contact Gary Sanborn of my staff should you have any questions regarding the NRC's involvement in this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from

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the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

***/RA by Dwight D. Chamberlain Acting for/***

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Acting Regional Administrator

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