

EDO Principal Correspondence Control

FROM: DUE: 03/10/98

EDO CONTROL: G980117
DOC DT: 02/19/98
FINAL REPLY:

representative Tom DeLay

O:

Chairman Jackson

OR SIGNATURE OF :

** GRN **

CRC NO: 98-0178

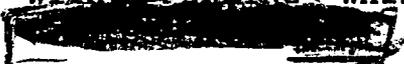
Callan, EDO

ESC:

ROUTING:

FAIRNESS OF PROCESS USED BY THE NRC IN AN
INVESTIGATION OF ALLEGED WRONGDOING IN CONNECTION
WITH A PENDING "WHISTLEBLOWER" COMPLAINT

Callan
Thadani
Thompson
Norry
Blaha
Burns
Merschhoff, RIV
Collins, NRR
Cyr, OGC



DATE: 02/25/98

ASSIGNED TO:

CONTACT:

OE

Lieberman

SPECIAL INSTRUCTIONS OR REMARKS:

B/1

ONE

12085

TOM DELAY
22ND DISTRICT, TEXAS
MAJORITY WHIP
COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEES:
TRANSPORTATION
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Congress of the United States
House of Representatives
Washington, DC 20515-4322

February 19, 1998

Chairwoman Shirley Ann Jackson
Nuclear Regulatory Commission
Washington, DC 20555

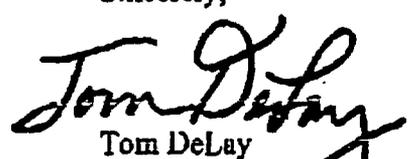
Dear Madam Chairwoman:

The attached correspondence from my constituent, an employee at the South Texas Project, raises an extremely serious question concerning the fairness of the process being used by the Nuclear Regulatory Commission to consider whether to take action against him. The potential NRC action could ruin his career.

He asks only for a fair opportunity to examine the investigation report and understand the charges before being questioned by the NRC in an enforcement conference. He believes that reviewing the report is necessary so that he can be prepared with evidence to show that he did not engage in wrong doing in connection with a pending "whistle blower" complaint. In short, he is simply asking for a fair opportunity to confront the evidence against him. He is entitled to this opportunity as a matter of basic fairness under our system of government.

I urge that the Commission provide the investigation report in advance of the enforcement conference. I look forward to your timely reply.

Sincerely,


Tom DeLay
Member of Congress

February 9, 1998

The Honorable Tom DeLay
U. S. House of Representatives
407 Cannon House Office Building
Washington, D. C. 20515-4322

Dear Congressman DeLay:

I have been a resident of the 22nd Congressional District and one of your supporters for the past four years. I need your help to assure that an unfair government process is not allowed to threaten my livelihood and my family.

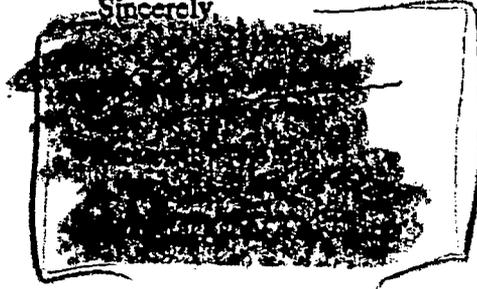
I am a career employee in the nuclear power industry and work as the [REDACTED] at the South Texas Project Electric Generating Station in Wadsworth, Texas. The U. S. Nuclear Regulatory Commission has notified my employer that they are considering enforcement against the company in an alleged whistleblower case in which I was involved and has scheduled an enforcement conference for February 26. I have been asked to attend the conference to answer questions about my actions. If the NRC decides that I violated the whistleblower protection law, my career will be over. Even though I may have a right to a hearing to clear my name after NRC takes action, the damage to my professional reputation could, by that time, be irreparable. 7c

The NRC charges are based on reports prepared by an NRC investigator. The NRC has denied my request to review those reports before the enforcement conference so I can learn the evidence against me. The NRC wants me to testify about events that happened almost four years ago without giving me the chance to review the records.

The NRC process is unfair. I have been questioned twice in transcribed interviews. I answered all of NRC's questions without objection and without having any prior knowledge of the evidence in NRC's possession. Before the NRC takes enforcement action and issues press releases accusing me of intentionally violating NRC regulations, I think I should have a right to know why the NRC believes I may be guilty of some violation. This seems like basic fairness to me as an American citizen. I did not give up those rights when I joined the nuclear industry.

I am anxious to answer all of the NRC questions. I only ask that I have a fair opportunity to understand the issues before hand. I am appealing the NRC's decision to deny my request for the reports, but I am concerned that without your help the NRC will deny the appeal. I would greatly appreciate any help you can give me to get a fair opportunity to defend my career.

Sincerely,



TK