

United States  
Nuclear Regulatory Commission



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# Report of Investigation

**CALLAWAY NUCLEAR PLANT:**

**DISCRIMINATION AGAINST [ ]  
[ ] FOR RAISING SAFETY  
CONCERNS TO MANAGEMENT AND  
DISCUSSING ENFORCEMENT ACTION WITH  
NRC**

nc

**Office of Investigations**

**Reported by OI:RIV**

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A-1

Title: CALLAWAY NUCLEAR PLANT:

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DISCRIMINATION AGAINST [ ] FOR RAISING  
SAFETY CONCERNS TO MANAGEMENT AND DISCUSSING  
ENFORCEMENT ACTION WITH NRC

Licensee:

Case No.: 4-2002-032

Union Electric Company  
P.O. Box 620  
Fulton, MO 65251

Report Date: July 21, 2003

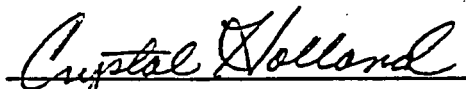
Control Office: OI:RIV

Docket No.: 50-483

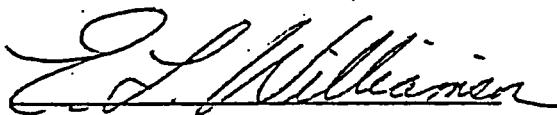
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## SYNOPSIS

This investigation was initiated on August 19, 2002, by the Nuclear Regulatory Commission (NRC), Office of Investigations, Region IV, to determine if a [ ] employed by the Wackenhut Corporation (Wackenhut) at the Union Electric Company's Callaway Nuclear Plant (Callaway), was the subject of employment discrimination by Wackenhut for raising safety concerns to management and discussing enforcement action with the NRC. 7C

Based on the evidence developed, the allegation that a [ ] was the subject of employment discrimination by Wackenhut for raising safety concerns to management and discussing enforcement action with the NRC was not substantiated.

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# LIST OF INTERVIEWEES

	<u>Exhibit</u>
[ Wackenhut/Callaway.....	3, 12 & 20
BAUMEISTER, Roger, Security Operations Supervisor, Wackenhut/Callaway.....	7
BILSKI, Daniel, Project Manager, Wackenhut/South Texas Project Nuclear Operating Company.....	16
COASH, Joel, Security Training Supervisor, Wackenhut/Callaway.....	6
CORBIN, Michael, Project Manager, Wackenhut/Callaway.....	13
DUNBAR, Mark, Assistant Superintendent of Security, AmerenUE/Callaway.....	11
FAULKNER, Marty, Security Manager, Nebraska Public Power Division/Cooper..	15
HARPER, Frederick, Vice President of Nuclear Operations, Wackenhut/Callaway	14
LAUX, Joseph, Manager of Operations Support, AmerenUE/Callaway.....	10
MARMON, Patricia, Director of EEO and Affirmative Action Program/Wackenhut	19
MICHAU, Richard, President of Nuclear Services/Wackenhut.....	18
MILLS, James, Director of Nuclear Operations/Wackenhut.....	17
PEEVY, James, Manager of Strategic Team and Resource Sharing, AmerenUE/Callaway.....	9
WEITH, Kenneth, Security Shift Supervisor/Callaway.....	8

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## DETAILS OF INVESTIGATION

### Allegation

Discrimination Against [ ] for Raising Safety Concerns to Management and Discussing Enforcement Action with NRC.

### Applicable Regulations

10 CFR 50.5: Deliberate Misconduct (2002 Edition)

10 CFR 50.7: Employee Protection (2002 Edition)

### Purpose of Investigation

This investigation was initiated on August 19, 2002, by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), to determine if [ ] employed by the Wackenhut Corporation (Wackenhut) at the Union Electric Company's Callaway Nuclear Plant (Callaway), was the subject of employment discrimination by Wackenhut for raising safety concerns to management and discussing enforcement action with the NRC (Exhibit 1).

### Background

On August 12, 2002, [ ] Wackenhut at Callaway, reported to Vince GADDY, Senior Resident Inspector, RIV, NRC, that he was the subject of employment discrimination for reporting safety concerns to his management and talking to the NRC about an enforcement action.

[ ] stated he had been passed over for promotion on two occasions, and the nonselections were in retaliation for reporting nuclear safety concerns earlier in [ ] and for talking to the NRC on issues regarding an enforcement action to be taken against Callaway for employment discrimination involving other site security officers. He related that in the summer of 2001 he made several contacts with the NRC [NFI] in preparation for filing an NRC Office of Inspector General complaint. He said he kept his management apprised of his actions. [ ] stated that in [ ]

He said his raising of this issue angered and embarrassed site security management [NFI]. [ ] also said he thought that [ ]

[ ] was a contributing factor in the licensee's discriminatory attitude against him.

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[ ] he submitted a formal employee concern asking for Callaway's intervention in stopping the alleged employment discrimination. He said Callaway related the site would investigate his concerns in accordance with the site procedure, [ ] and provide a written response. He said on August 8, 2002, he met with Callaway management [NFI] to discuss his concerns and according to [ ] "it was apparent they were only concerned with mitigating their liability and not intent on finding the truth." He added that they ignored and/or failed to answer a number of concerns/issues disclosed during the [ ] [ ] claimed that information on the promotions was conveniently destroyed, in violation of Wackenhut's own Nuclear Security Department's procedure, or possibly altered while other issues were discounted without any kind of verifiable investigative or factual basis. He felt that had more interviews been conducted his allegations would have been corroborated. AK

[ ] related that he had advised Wackenhut and Callaway of his desire to contact the NRC and reminded them of their legal obligations and protections afforded him under 10 CFR 50.5 and 50.7. He said he reminded his management that if he was the subject of any chilling effect, he would not hesitate to report them to the NRC. [ ] stated that with the recent history of Wackenhut and Callaway, there still appeared to be lessons learned in the fair and equal treatment of employees. [ ] said he had an investigative packet with relevant documentation to support his allegations that he would provide upon request.

On August 19, 2002, the RIV Allegation Review Board discussed the allegations made by [ ] and requested OI:RIV interview [ ] regarding his allegations of employment discrimination.

#### Coordination with NRC Staff

On August 19, 2002, copies of documentation submitted by [ ] to the Allegation Coordination and Enforcement Staff (ACES), RIV, which reported employment discrimination against him for raising safety concerns to management and discussing enforcement action with the NRC, was provided to OI:RIV (Exhibit 2). 76

#### Interview of Allegor (Exhibit 3)

On September 9, 2002, [ ] Wackenhut at Callaway, was interviewed by OI:RIV in Jefferson City, Missouri.

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[redacted] advised he had several concerns that he wanted to formally report to the NRC involving employment discrimination against him by Wackenhut and Callaway officials. [redacted] stated he believed that Wackenhut intentionally failed to select him for promotion on [redacted] occasions because he raised safety concerns regarding the [redacted] and for discussing NRC enforcement issues with management regarding [redacted]. Specifically, [redacted] stated that he was not selected for the [redacted] and not selected for the [redacted] as part of retaliatory and discriminatory actions on behalf of Wackenhut and Callaway for reporting safety concerns and discussing NRC enforcement actions. [redacted] stated he believed that "...a combination of both activities ... tainted me in management's eyes, making me unpromotable..." (Exhibit 3, page 15).

First, [redacted] advised he wanted to state "...on-the-record..." that he believed his recommendation regarding disciplinary action against the subjects [redacted] Wackenhut security officers] during the [redacted] investigation, conducted in [redacted] 1999 by Wackenhut, was misrepresented by Wackenhut and Callaway to the NRC during the Pre-Enforcement Conference (Exhibit 3, page 88). [redacted] stated that his "...original recommendation to Wackenhut to (sic) [redacted] (Exhibit 3, page 88). [redacted] advised that his recommendation to Wackenhut regarding the [redacted] Elliot] investigation was verbal only and he did not generate any written documentation of his recommendation to management (Exhibit 3, pages 29 and 44).

Further, [redacted] stated that he was "...upset about the language ... contained in the enforcement action..." regarding the NRC's findings that Wackenhut/Callaway had conducted a "...biased investigation..." (Exhibit 3, page 26). However, [redacted] acknowledged that when he was interviewed by OI:RIV during the NRC investigation [redacted] did not disclose information regarding his recommendations to Wackenhut/Callaway to the OI:RIV investigator because "...she didn't ask, and I didn't volunteer it ... because I knew it was detrimental to Wackenhut's case..." (Exhibit 3, page 27). 7C

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[redacted] stated, "...I certainly wasn't predisposed against the [redacted] as the [redacted] indicates.... I felt like I had been called a liar unjustly, and I wanted my day in court to refute that ... and I never had that opportunity" (Exhibit 3, page 41). [redacted] further advised that Mark DUNBAR, Assistant Superintendent of Security, Callaway; Joel COASH, Security Training Supervisor, Wackenhut; Kenny WEITH, Security Shift Supervisor, Callaway; Joe LAYMAN [NFI], and BAUMEISTER, SOS, were individuals who could verify that his [redacted]

Secondly, [redacted] advised that he had informed Wackenhut and Callaway management on several occasions that he wanted to contact the Office of the Inspector General (OIG), NRC, to file a complaint against OI:RIV in regards to raising retaliatory concerns to the investigator that were not followed up on" (Exhibit 3, page 89). [redacted] stated that he delayed filing a complaint with the OI:NRC at that time because he was aware that Wackenhut and Callaway management, specifically Fred HARPER, Vice President of Nuclear Operations, Wackenhut, and DUNBAR did not want him to file a complaint with OI:NRC "Because the situation was under appeal with the NRC between Union Electric and the NRC, I didn't want to do anything to muddy the waters in regard to that appeal process" (Exhibit 3, pages 9 and 72). [redacted] advised he was never told by DUNBAR or HARPER that he could not contact the OI or NRC (Exhibit 3, page 78).

Regarding his [redacted] initial desire to contact the OI:NRC to file a complaint regarding OI:RIV, [redacted] specifically stated, "I do not plan to pursue that" (Exhibit 3, page 14). [redacted] advised that he had decided on his own and without any pressure or coercion from Wackenhut, Callaway, the NRC, or "...anybody..." not to pursue filing a complaint with the OI:NRC (Exhibit 3, page 90).

AGENT'S NOTES: During December 1999, an investigation [redacted] initiated by OI:RIV substantiated that Callaway management had discriminated against a security officer for reporting violations of security requirements and falsification of records.

Regarding his nonselection for the [redacted] believed that he [redacted] was "Clearly, without a doubt..." the best qualified candidate (Exhibit 3, page 92). [redacted] stated that although he [redacted] had a college degree, the selection of [redacted] was "...quite a surprise ... because he was [redacted]" (Exhibit 3, page 17). [redacted] acknowledged that during the interview for the [redacted] expressed

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his concerns during his interview to the interview panel that if he was selected as the [redacted] ...it was going to be about [redacted]." (Exhibit 3, page 18). [redacted] further stated, [redacted] "it wasn't in my best interest to really pursue that position that hard at that time" (Exhibit 3, page 18).

Regarding his nonselection for the [redacted] [redacted] stated that in his opinion he [redacted] was the best qualified candidate because he had a college degree and experience, whereas the candidate selected [redacted] was less experienced and did not have a college degree. [redacted] stated that in contrast to the [redacted] ...the compensation package for the [redacted] was considerably more. The prestige and all the other things that go along with that was something that I really wanted..." and "I got passed over by a guy that was clearly ... junior to me in time, grade, and experience..." (Exhibit 3, pages 18-19). [redacted] advised he was disturbed that the selection criteria for [redacted] differed from the selection criteria utilized for the [redacted] [redacted] stated there were [redacted] and [redacted] [redacted] who applied for the [redacted] position. [redacted] stated, "You've got 28 sites; Where else do you make ... appointments to [redacted] based strictly on an oral board, where you promote an [redacted] above senior people...?" (Exhibit 3, page 83). [redacted] stated that Wackenhut has taken the position that the "...promotional procedure doesn't apply to..." the announcement for the [redacted] position and "I'm contesting that, as well" (Exhibit 3, page 86). 76

[redacted] advised that [redacted] was [redacted] supervisor and had participated on the promotion boards for the [redacted] positions. [redacted] stated he believed that [redacted] "...had a negative view..." of him because he [redacted] voiced his concerns; therefore, he [redacted] "...didn't want to see me promoted" (Exhibit 3, page 47). [redacted] stated, "...you would have thought that UE, recognizing the fact that they just came through an major deal with [redacted] would be a little more attuned ... more sensitive ... to my concern. But they weren't" (Exhibit 3, page 86).

[redacted] advised that he "...pleaded..." with [redacted] Callaway, and [redacted] AmerenUE/Callaway, to resolve his [redacted] concerns and provide him with a "...a real answer..." because he [redacted] did not want to "...go to the NRC..." with his concerns (Exhibit 3, page 87). [redacted] stated that he filed a complaint with the NRC because the "...investigative work..." conducted by [redacted] and [redacted] regarding his concerns "...did not refute my concerns with any investigative factual basis..." (Exhibit 3, page 87). 76

[redacted] stated that if OIRIV conducted interviews of security personnel regarding his nonselection for [redacted] positions, "...they're all going to tell you..." that

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he [ ] was not promoted because he raised security concerns and was involved in the "situation" (Exhibit 3, pages 98-99).

AGENT'S NOTES: Documents provided by [ ] during his interview on September 9, 2002, are referenced within Exhibit 21. Documents forwarded by [ ] to OI:RIV subsequent to his interview on September 9, 2002, are referenced within Exhibits 22, 34, and 35.

#### Coordination with Regional Counsel (Exhibit 4)

On September 19, 2002, Karla SMITH, Regional Counsel, RIV, was provided a copy of transcript of interview for review to determine if [ ] was engaged in protected activities and possibly subjected to employment discrimination. 7C

On October 24, 2002, SMITH provided her analysis and review of [ ] transcript of interview. SMITH stated that [ ] 5

SMITH opined that further investigation by OI:RIV was warranted [ ]  
[ ]  
[ ]

#### Coordination with NRC Staff (Exhibit 5)

During September 2002, a copy of [ ] transcript of interview was forwarded to the RIV's technical staff for safety and/or technical concerns.

On October 6, 2002, David GRAVES, Senior Project Engineer, Project A Branch, Division of Reactor Projects, RIV, reported that a review of [ ] transcript of interview did not disclose or identify any new safety or technical concerns (Exhibit 5, page 1).

On October 11, 2002, OI:RIV notified ACES:RIV that [ ] telephonically advised that he anticipated contacting the Occupational Safety and Health Administration (OSHA) to file a complaint (Exhibit 5, page 2). 7C

AGENT'S NOTE: Exhibit 2, pages 1-2, referenced [ ] complaint filed with OSHA on October 13, 2002.

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On February 5, 2003, a copy of the U. S. Department of Labor's (DOL) OSHA Final Investigation Report, Case No. 7-7080-03-004, was forwarded by ACES:RIV to OI:RIV (Exhibit 5, pages 3 - 32). A review of DOL's Final Investigation Report revealed that DOL determined that Wackenhut "...knowingly and willingly took retaliatory action against..." [redacted] Subsequently, two settlement offers were proposed to [redacted] by Wackenhut; however, [redacted] declined the settlement offers. 7C

On March 5, 2003, Ellis MERSCHOFF, Regional Administrator, RIV, forwarded a letter to Garry RANDOLPH, Senior Vice President and Chief Nuclear Officer, Union Electric Company, Callaway, which requested a written response regarding actions Callaway has taken or plans to take "...to assure that this matter is not having a chilling effect on the willingness of other employees to raise safety and compliance concerns..." (Exhibit 5, pages 28 - 32).

#### TESTIMONY/EVIDENCE

The following individuals were interviewed regarding the alleged discrimination against [redacted] for raising safety concerns to his management and discussing enforcement action with NRC.

#### Interview of Joel COASH (Exhibit 6)

On February 25, 2003, Joel L. COASH, Security Training Supervisor, Wackenhut at Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of COASH was Patrick DORAN, Attorney and Legal Representative for Wackenhut.

COASH began his employment at Callaway as a security officer in November 1982. Upon graduation from security training, COASH was assigned as a security officer supervisor and later reassigned as the security operations coordinator. Subsequently, COASH was promoted to security training supervisor in 1998. COASH's immediate supervisor is Michael CORBIN, Project Manager. 7C

COASH advised he has had a working relationship with [redacted] for approximately [redacted] years and that he considered [redacted] a coworker and a friend. COASH related that on several occasions during 2001 [redacted] shared his concerns with him [COASH] that he had been subjected to discrimination by Wackenhut management for reporting safety concerns and [redacted]

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COASH recalled that sometime during 2001, he [COASH], [redacted] and other security officers [NFI] were assigned to assist with the interviews of Wackenhut personnel during the [redacted] investigation conducted by Wackenhut/Callaway. COASH advised that one of the individuals that [redacted] was assigned to interview was [redacted] COASH recollected that subsequent to [redacted] interview of [redacted] [redacted] alleged that [redacted] had threatened, intimidated, and harassed [redacted] during the interview. COASH stated, "In fact ... that was the crux of his concern was the fact that somehow ... it had been inferred that he had intimidated [redacted] (Exhibit 6, page 12). COASH advised that, with the exception of [redacted] he was not aware of any other allegations of harassment or intimidation against officers who participated in the interview process during the [redacted] investigation by Wackenhut/Callaway. 7C

COASH advised that upon completion of the [redacted] investigation and the subsequent NRC investigation, a predecisional enforcement conference was scheduled by the NRC with Callaway. COASH stated that although he did not believe it was necessary to attend the conference and they [he and [redacted]] did not have any pertinent information to add to the investigative findings, he and [redacted] ... verbally volunteered to attend that conference to give testimony ... if it was felt that it was necessary" (Exhibit 6, page 15).

COASH advised he did not recall any discussions with [redacted] whereby [redacted] told him [COASH] that he was instructed by management not to discuss the [redacted] investigation or was subjected to discrimination as a result of his [redacted] investigation. COASH further stated he was not aware that [redacted] had disagreed with, or objected to, the decision by Wackenhut/Callaway to [redacted] (Exhibit 6, page 23).

COASH stated he understood that [redacted] primary reason for wanting to [redacted] was not to prevent [redacted] but to refute [redacted]

COASH stated that he and [redacted] both agreed that [redacted] and he [COASH] did not recall that [redacted] recommended any other action except [redacted] regarding [redacted] 7C

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to the [redacted] COASH stated that he "...felt very comfortable when [redacted] ... was selected to fulfill that position because he knows the job" (Exhibit 6, page 42). COASH further stated that [redacted] was qualified and met the criteria for the [redacted] COASH advised that he did not believe that [redacted] was less qualified than [redacted] for the [redacted] COASH stated he believed that the selection process for the [redacted] position was fair and objective.

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Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to [redacted] COASH stated that "In regards to the [redacted] I feel the best man was selected for that position.... There is no doubt in my mind" (Exhibit 6, page 43). COASH further stated that [redacted] the selectee for [redacted] was qualified and met the criteria for the [redacted] position. COASH advised he did not believe that [redacted] was less qualified than [redacted] for the [redacted] position. COASH stated he believed that the selection process for the [redacted] position was fair and objective.

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Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting a safety concern regarding the posting of [redacted] COASH recalled that [redacted] reported his concerns subsequent to his [redacted] nonselection for [redacted] COASH stated that as a result of [redacted] written concerns regarding [redacted] he [COASH] immediately received "...marching orders for the training department to perform [redacted] from DUNBAR (Exhibit 6, pages 27-28).

COASH advised he was aware that other security personnel had raised security and safety concerns during meetings but he had not observed subsequent harassment, intimidation, or retaliation of the security personnel by Wackenhut/Callaway for raising concerns. COASH stated that he personally felt very comfortable in raising any safety or security concerns to Wackenhut/Callaway management.

#### Interview of Roger BAUMEISTER (Exhibit 7)

On February 25, 2003, Roger J. BAUMEISTER, Project Manager, Wackenhut at Callaway, was interviewed by OIRIV in Fulton, Missouri. Also present during the interview of BAUMEISTER was DORAN, Attorney and Legal Representative for Wackenhut.

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BAUMEISTER began his employment at Callaway as a security officer in 1983. After 2½ years as a security officer, BAUMEISTER was promoted on various occasions to CAS-S supervisor, shift security assistant supervisor, and finally to SOS in July 2002. BAUMEISTER's immediate supervisor is CORBIN, Project Manager.

BAUMEISTER advised that he has had a working relationship with [redacted] for approximately [redacted] years and considered [redacted] a coworker instead of a personal friend due to the fact that they "...haven't really had a relationship outside ... of work" (Exhibit 7, page 6). Although BAUMEISTER had limited knowledge of the circumstances regarding the [redacted] investigation

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conducted by Wackenhut/Callaway and the NRC, he [BAUMEISTER] was aware that [redacted] had [redacted] by Wackenhut/Callaway because he [redacted] "...felt like he didn't have his say ... in the matter ... when it was being investigated" (Exhibit 7, pages 7-8).

BAUMEISTER stated that his recollection of statements made by [redacted] regarding [redacted] during the [redacted] investigation by Wackenhut/Callaway was that "...his recommendation was to either [redacted] employees ... with [redacted]" (Exhibit 7, pages 15-16). BAUMEISTER did not recall any other statements made by [redacted] regarding recommendations for [redacted] 7C

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to the [redacted] BAUMEISTER stated that to his knowledge, the selection process for the [redacted] was conducted in a fair manner and he was not aware of any reports of complaints or discrepancies or negative comments. Further, BAUMEISTER stated that the interview panelists for the [redacted] in his opinion were "...very fair" (Exhibit 7, pages 11-12).

BAUMEISTER stated that no one solicited him to apply for the [redacted] and "...as soon as it was posted, I expressed interest..." (Exhibit 7, page 17). BAUMEISTER stated that if there was any inference that he [BAUMEISTER] had submitted his letter of interest for the [redacted] after the due date, "...that would be absolutely false" (Exhibit 7, page 17).

AGENT'S NOTE: During the interview, DORAN presented a copy of the "Promotional Opportunity Log" sign-up sheet for the [redacted] position. The [redacted] Opportunity Log reflected that [redacted] was the second individual, and [redacted] to sign his name on the log for consideration for the [redacted] position (Exhibit 23, page 2).

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to [redacted] BAUMEISTER stated that "...the person selected ... was a real good candidate" (Exhibit 7, page 36). BAUMEISTER further stated that although he was not interested in applying for the [redacted] position, he recalled that the candidates who applied for the position "...were all equally qualified to interview for the position" (Exhibit 7, page 38). BAUMEISTER advised that he did not apply for the [redacted] position, had no involvement with the [redacted] position, and was on vacation during the selection process for the [redacted] 7C

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting a safety concern regarding the [redacted]

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concern about [ ] BAUMEISTER recalled that [ ] first raised [ ] shortly after he [BAUMEISTER] was selected as [ ]

BAUMEISTER recalled an occasion where several security officer's had failed to document schedule changes and he verbally reminded the security staff that any future changes to the schedule were to be documented by the security officer. BAUMEISTER stated that although there were several individuals who had failed to document their schedule changes, including [ ] he [ ] was the only person [ ]

(Exhibit 7, page 3). BAUMEISTER stated that he attributed [ ] behavior after the reminder to document schedule changes to "...sour grapes from not getting promoted" (Exhibit 7, page 32).

AGENT'S NOTES: Documents provided by BAUMEISTER during his interview on February 25, 2003, are referenced within Exhibits 23 and 24.

#### Interview of Kenneth WEITH (Exhibit 8)

On February 25, 2003, Kenneth R. WEITH, Jr., SSS, Wackenhut at Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of WEITH was DORAN, Attorney and Legal Representative for Wackenhut.

During the interview, WEITH advised he has had a working relationship with [ ] for approximately [ ] years. WEITH stated that he considered [ ] a coworker and a personal friend due to the fact that he [WEITH] had "...interacted personally on a few occasions [ ] things like that..." with [ ] (Exhibit 8, page 5).

Although WEITH did not participate in the [ ] investigation conducted by Wackenhut/Callaway and the NRC, he [WEITH] was aware that [ ] had conducted an [ ] because of conversations that he had with [ ] WEITH advised that subsequent to the Wackenhut/Callaway investigation, he [WEITH] was told by [ ] "...that he recommended that [ ] (Exhibit 8, page 7). WEITH recalled that [ ] was disappointed that he was not invited to attend the [ ] with Wackenhut/Callaway regarding the [ ] investigation. WEITH stated that [ ] told him "...a number of [ ] times..." that he [ ] believed the [ ] and he had "...information to substantiate the [ ] and none of that information was considered" (Exhibit 8, page 9).

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WEITH stated he was aware that [ ] had made allegations that [ ] had raised his voice and [ ] however, he [WEITH] opined that [ ] alleged behavior described by [ ] was not typical of what he believed to be [ ] (Exhibit 8, page 10). WEITH further advised that, in his opinion, [ ] wanted to attend the [ ] to [ ]

Regarding [ ] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting a safety concern regarding the [ ] 7C  
[ ] WEITH stated, "This was brought up after Mr. [ ] was selected..." as the [ ] (Exhibit 8, page 19). WEITH stated, "I haven't been trained on the post formally.... And ... at that point very few or none of the supervisors that were routinely working that post had received any formal training.... It should be noted ... we'd have..." [ ] security officers working this particular post ... for three years on ... a non-routine basis prior to..." [ ] (Exhibit 8, pages 16-17). WEITH stated that to his knowledge, [ ] did not raise any security concerns regarding [ ]

[ ] WEITH stated he believed that [ ] raised a security concern because he was not selected as [ ]

Regarding [ ] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [ ] for promotion to the [ ] position, WEITH stated that although the interview process for the [ ] position was conducted in a fair manner and applied equally to all candidates, he [WEITH] believed that inclusion of the selection criteria pertaining to college education by [ ] was intentional and "...designed to keep me out of the position ... exclude me from the promotional process" (Exhibit 8, page 26). WEITH stated that he [WEITH] met the requirements to be considered as an interview candidate for the [ ] position, participated in the entire interview process, but was not selected as the [ ] WEITH stated that in his opinion, he [WEITH] was the best candidate for the [ ] position and "I would have had to select Roger Baumeister..." as the second best candidate (Exhibit 8, page 33). 7C

AGENT'S NOTES: During the interview, DORAN stated, in reference to a manual [NFI], "...educational achievements should be considered only if they are related to the job requirements" (Exhibit 8, page 36). Regarding the selection criteria posted for job announcements, DORAN further stated, "...education may be used one time, but not the next. The job knowledge test may be given one time, but not the next" (Exhibit 8, page 42).

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Regarding [redacted]'s allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to [redacted] WEITH stated, [redacted] "...was the best choice for the job ... it was a good call. They got that one right.... I thought the process was excellent ... fair" (Exhibit 8, page 48). WEITH advised that after [redacted] he [WEITH] was the second best candidate for [redacted] position.

WEITH stated that he had not observed any interference with [redacted]'s regular duties by Wackenhut/Callaway management nor any employment discrimination towards [redacted] for raising security/safety concerns. When asked if he had knowledge of, or witnessed, any employment discrimination by Wackenhut/Callaway management against security officers for raising security or safety concerns, WEITH stated, "Absolutely not" (Exhibit 8, page 25). 7C

AGENT'S NOTES: Documents provided by WEITH during his interview on February 25, 2003, are referenced within Exhibit 25.

#### Interview of James PEEVY (Exhibit 9)

On February 25, 2003, James R. PEEVY, Manager of STARS, Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of PEEVY was Patrick HICKEY, Attorney and Legal Representative for Callaway.

PEEVY began his employment with Callaway in the radiation department as a health physicist in December 1978. Since 1978, PEEVY has been promoted and held various positions of superintendent of health physics, assistant manager of technical services, assistant manager of operations, manager of operations support, manager of emergency preparedness, to presently, manager of STARS. PEEVY also held the position of Employee Concerns Program (ECP) Manager from 1999 to 2001 and is currently the Reserve Employee Concerns Manager should conflict of interest matters arise with the current Employee Concerns Manager, Joseph LAUX.

PEEVY advised that as the Reserve Employee Concerns Manager, he was assigned to investigate allegations made by [redacted] regarding employment discrimination by Wackenhut/Callaway for reporting safety/security concerns. Specifically, PEEVY related that [redacted] alleged he was intentionally nonselected for [redacted] for reporting [redacted] concerns and [redacted] PEEVY also advised that [redacted] alleged because he raised concerns about the [redacted] investigation, he was not invited to attend, or intentionally excluded from, the [redacted] 7C

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PEEVY stated that his investigative findings disclosed that [ ] was not invited to attend the [ ] with Wackenhut/Callaway due to the fact that he [ ] "...didn't have any new information or additional information that was pertinent to the agenda that had been provided to us by the [ ] (Exhibit 9, pages 11-12). PEEVY further advised that [ ] wanted to attend the [ ]

[ ] PEEVY advised that a review of [ ] concerns and reasons for wanting to attend the [ ] was conducted by Wackenhut/Callaway and stated, "We did not feel it was relevant for ... the [ ] and informed him that he was certainly free to address his issues with the Nuclear Regulatory Commission ... as he wished" (Exhibit 9, pages 9-10). PEEVY further stated that the information that [ ] provided to Wackenhut/Callaway for the [ ] "...appeared to be personal issues associated with him ... personally ... it didn't have ... anything to do with why we were attending that [ ]" (Exhibit 9, page 15).

PEEVY stated that "...Mr. [ ] had a very limited role in..." the [ ] investigations. PEEVY advised that [ ] had been assigned to conduct an interview of [ ] by DUNBAR and the interview results were forwarded to Bob KINDILIEN, Director of Quality Assurance, Wackenhut corporate. PEEVY advised that KINDILIEN, not [ ] had been assigned by Wackenhut corporate to conduct an [ ]

In response to [ ] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [ ] for promotion to the [ ] position because he raised safety and security concerns, PEEVY advised that he [PEEVY] first became aware of [ ] concerns in June 2002 after the selection of the [ ] position. PEEVY further stated, "...in fact, Mr. [ ] did not bring up..." his concerns to Callaway regarding "...the first [ ]" and "... [ ]" until after he was not selected for the second position as [ ] (Exhibit 9, pages 17-18).

PEEVY advised that subsequent to the receipt of [ ] allegations of employment discrimination by Wackenhut/Callaway for raising safety/security issues, he [PEEVY] and LAUX interviewed [ ] and subsequently, PEEVY conducted an investigation into Wackenhut's promotion procedures and selection criteria utilized for the [ ] PEEVY stated, "It was our conclusion that the job selection process was in accordance with Wackenhut's procedure. It was administered to all of the candidates equally..." and there was no finding of "...any bias or discrimination or retaliation against Mr. [ ]" (Exhibit 9, page 21).

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PEEVY stated that his investigation of [ ] concerns revealed that he [ ] "...had a difference of opinion in what were qualifications.... Mr. [ ] felt that his length of service and ... [ ] .. made him the most qualified" (Exhibit 9, page 26). PEEVY explained that the education criteria allowed a candidate to proceed with the interview process, and other criteria, such as the actual interview, could significantly impact a candidate's overall rating during the selection process. PEEVY further stated, "...there was nothing to conclude or identify that the panel members had any reason or performed any kind of retaliation because of the [ ] investigation" (Exhibit 9, page 24). 7C

PEEVY advised neither [ ] nor his crew members had been subjected to adverse treatment as a result of raising concerns; however, PEEVY stated that some of the people that he interviewed communicated they were "...on pins and needles..." because "...any concern that Mr. [ ] brings up, be it small, minor or big or whatever gets immediate attention..." (Exhibit 9, page 38).

AGENT'S NOTES: Documents provided by PEEVY during his interview on February 25, 2003, are referenced within Exhibits 26 through 32.

#### Interview of Joseph LAUX (Exhibit 10)

On February 25, 2003, Joseph V. LAUX, Manager for Operations Support, Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of LAUX was HICKEY, Attorney and Legal Representative for Callaway.

LAUX began his employment with Callaway a Quality Assurance Manager in 1988. In March 2002, he was reassigned as the Manager of Operations Support with responsibility for the protective services department, including security and emergency preparedness; the administration department; the nuclear information services department; and the materials department. LAUX also holds the position of ECP Manager.

LAUX advised that as the ECP Manager, the first concern that they [Callaway ECP] received from [ ] was his concern regarding nonselection for the [ ]. LAUX stated that because he [LAUX] also managed the [ ] PEEVY was assigned to investigate [ ] concerns. 7C

LAUX recalled that he attended PEEVY's initial interview with [ ] but had no direct involvement with the investigation of [ ] concerns. LAUX stated he recalled that PEEVY's investigation "...conclusions were that the process was non-biased and ... there was no

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indication the selection..." for the [redacted] ...was influenced by [redacted] involvement in any protective activity, either raising concerns to the [redacted] to Wackenhut/Callaway" (Exhibit 10, page 12).

LAUX recalled that he was unaware of any prior concerns or allegations forwarded to the ECP by [redacted] and advised that, to his knowledge, this was the first concern submitted by [redacted] to the program. 7C

#### Interview of Mark DUNBAR (Exhibit 11)

On February 25, 2003, James "Mark" DUNBAR, Assistant Superintendent of Security, Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of DUNBAR was HICKEY, Attorney and Legal Representative for Callaway.

DUNBAR began his employment with Callaway as a security officer with Burns in August 1982. During his employment with Burns, DUNBAR was promoted to security shift supervisor, and in November of 1998, he was reassigned as the Project Manager for Callaway when Wackenhut replaced Burns as the contractor for security at Callaway. On May 18, 2002, DUNBAR resigned from Wackenhut and accepted employment with Ameren Union Electric (AmerenUE) as the assistant superintendent of security at Callaway. DUNBAR's immediate supervisor is Luke GRAESSLE, Protective Services Supervisor.

DUNBAR advised that he has had a professional working relationship with [redacted] for approximately [redacted] and believed that they had a good and positive relationship until [redacted] with Wackenhut. DUNBAR stated that after [redacted] he [DUNBAR] "...didn't want to do anything [redacted] to take that ... I was trying to offend him" (Exhibit 11, page 12). Subsequent to the selection of [redacted] DUNBAR stated that he recalled that [redacted] ...sent [redacted] a note basically stating that ... he didn't feel that he put his best foot forward in the [redacted] (Exhibit 11, page 42). 7C

DUNBAR explained that prior to the posting of the [redacted] the [redacted] was considered a rotational slot that had been filled by the [redacted] at various times as an [redacted] position for several years. DUNBAR stated that he and [redacted] obtained approval from Wackenhut corporate to [redacted]

(Exhibit 11, page 18). DUNBAR further stated that he asked [redacted] if the [redacted] could be excluded from the [redacted] because "...all the people that would be eligible to apply for this position have a very high job knowledge.... It wouldn't have ... any added value to the process..." and he [redacted] agreed

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(Exhibit 11, page 20). DUNBAR advised that he and [redacted] rated the [redacted] according to their personnel records, education, oral interviews, and writing skills, which was obtained by a review of each candidate's Letter of Intent. DUNBAR stated that the candidate, [redacted] with the highest overall rating of [redacted].

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to the [redacted] DUNBAR recalled that [redacted] had discussed his concerns about applying for the [redacted] with him because the [redacted] would have been a reduction in pay for [redacted] and DUNBAR stated that attendance may have been a factor in during the [redacted] and "...people who had perfect attendance might have gotten another point than someone who had missed a day" (Exhibit 11, page 76). 76

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] DUNBAR stated that on May 19, 2002, he [DUNBAR] became a Callaway employee [AmerenUE] and had no involvement in the selection process for the project manager's position.

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting a safety concern regarding [redacted] DUNBAR stated that upon receipt of [redacted] written concern, he contacted the training supervisor [COASH] and "...asked him to include some [redacted] And ... wrote a response back to [redacted] employee concern, thanked him for bringing it up" (Exhibit 11, page 63).

DUNBAR also recalled past discussions with [redacted]

[redacted] DUNBAR stated that because [redacted] was not invited to attend the [redacted] he [redacted] drafted a memorandum for [redacted] 76

(Exhibit 11, page 51). DUNBAR advised that [redacted] was not considered relevant and therefore not addressed at the [redacted] DUNBAR further stated that he recalled that [redacted] had expressed to him that "...we either ought to keep both [redacted]

(Exhibit 11, page 52). DUNBAR further advised that he [DUNBAR] was aware that [redacted]

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DUNBAR advised that he had not observed any incidents of employment discrimination, retaliation, or adverse actions against [redacted] for raising security/safety concerns.

AGENT'S NOTES: Documents provided by DUNBAR during his interview on February 25, 2003, are referenced within Exhibit 33. 7C

Interview of [redacted] (Exhibit 12)

On February 25, 2003, during the conduct of witness interviews for [redacted] allegations regarding this investigation [OI Case No. 4-2002-032], [redacted] approached OI:RIV on-site at Callaway and requested an interview on the record to report new concerns which developed subsequent to his initial interview by OI:RIV on September 9, 2002 (Exhibit 3).

AGENT'S NOTES: This information was forwarded upon receipt of [redacted] transcript of interview by OI:RIV on March 13, 2003, to ACES for review and appropriate action. On May 20, 2003, OI:RIV initiated an investigation [4-2003-027] regarding [redacted] new concerns of employment discrimination against him for raising safety concerns. The transcript contained within this exhibit [Exhibit 12] will be retained for reference only in this report [4-2002-032]. A review and synopsis of the transcript will be conducted and annotated in the Report of Investigation 4-2003-027. Documents provided by [redacted] during his interview on February 25, 2003, are referenced within Exhibit 36.

Interview of Michael CORBIN (Exhibit 13)

On February 26, 2003, Michael S. CORBIN, Project Manager, Wackenhut at Callaway, was interviewed by OI:RIV in Fulton, Missouri. Also present during the interview of CORBIN was DORAN, Attorney and Legal Representative for Wackenhut.

CORBIN began his employment at Callaway as a temporary, part-time Fire Watch Guard in 1989. Subsequently, CORBIN was granted a permanent position and promoted on various occasions to the positions of nuclear security officer and shift security assistant supervisor. CORBIN was promoted to Project Manager in July 2002. CORBIN's immediate supervisor is James MILLS, Director for Wackenhut's Nuclear Service Division. 7C

CORBIN advised that he has had a working relationship with [redacted] and while they may have [redacted] he and [redacted] did not have a personal relationship. CORBIN advised that although he [CORBIN] was assigned to a different security crew than [redacted] he had "...worked

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overtime as an assistant for [redacted] on many occasions" (Exhibit 13, page 7). CORBIN stated that since his [CORBIN's] [redacted] now reports to [redacted]

CORBIN stated that he did not have personal conversations with [redacted] but on one occasion, [redacted] told him that he was frustrated because he believed that during the [redacted] (Exhibit 13, page 10). CORBIN further advised that he did not have any specific information regarding the [redacted] CORBIN advised he does not recall any statements made by [redacted] that he felt he had been subjected to employment discrimination or retaliation for his participation in the [redacted] for or for raising safety/security concerns to Wackenhut/Callaway.

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for [redacted] CORBIN stated that he "...fully supported..." selection of [redacted] and "...felt that he was qualified for the position" (Exhibit 13, page 13). CORBIN stated that he was unaware of any complaints or negative comments from his [CORBIN's] coworkers regarding the selection process for the [redacted] CORBIN stated that he met the qualifications for the [redacted] but did not apply for the [redacted] because he did not meet the required time of at least one year in the [redacted]

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to [redacted] CORBIN stated that he made the decision on his [CORBIN's] own to apply for the position because he met the qualifications posted within the [redacted] announcement. CORBIN stated he believed that the selection process for [redacted] was fair and applied equally to all candidates. Subsequent to [redacted] CORBIN stated that [redacted] offered his support "But then he elaborated on how he felt that..." the selection process "...had not been done fairly and that he had issues and that he was going to proceed with them..." (Exhibit 13, page 21). CORBIN stated that the [redacted] however [redacted] was the only candidate that verbalized that the selection process was not fair. CORBIN stated, "I understand that one of the issues that Mr. [redacted] has is the fact that [redacted] and [redacted] and he has a college degree" (Exhibit 13, page 29). CORBIN stated he was also aware that [redacted] had participated on previous promotions boards as a selecting official when individuals with only high school diplomas were promoted over individuals with college degrees.

CORBIN advised that he had not observed any incidents of employment discrimination, retaliation, or adverse actions against [redacted] for raising security/safety concerns or his involvement in the [redacted]

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AGENT'S NOTES: Documents provided by CORBIN during his interview on February 26, 2003, are referenced within Exhibits 37 through 40.

Interview of Frederick HARPER (Exhibit 14)

On February 26, 2003, Frederick A. HARPER, Vice President of Nuclear Operations, Wackenhut, was telephonically interviewed in Palm Beach Gardens, Florida, by OI:RIV from Fulton, Missouri. Also present during the interview of HARPER was DORAN, Attorney and Legal Representative, Wackenhut.

HARPER advised that he had been employed at the Wackenhut Corporation for about 10 years [1992] and had served as the project manager during the first 5 years at the Vermont Yankee Nuclear Power Station. HARPER advised that he had also held the positions of director and senior director and, approximately 6 months ago, was promoted to vice president of operations. HARPER's primary duties consist of management of the daily operations of the nuclear facilities under contract with Wackenhut.

HARPER recalled he was aware that [ ] had participated in the [ ] through written documentation that had been forwarded to Wackenhut's corporate office for resolution. HARPER stated that [ ] never mentioned to him that he disagreed with the Wackenhut/Callaway recommendation to [ ] HARPER advised that he did not have any discussions, formal or informal, with [ ] 7C

HARPER recalled that after the [ ] mentioned that he [ ] wanted to discuss the [ ] HARPER stated, "...we had some discussions ... but I don't know where it went or if he pursued that at all" (Exhibit 14, page 9). HARPER stated that during his discussions with [ ] "...he never advised me that he felt he'd been discriminated against" (Exhibit 14, page 10).

Regarding the [ ] that was distributed during [ ] HARPER advised that although he does not recall if he was contacted by DUNBAR and requested to omit the job knowledge test from the [ ] HARPER stated he may have "...supported that had he asked that" (Exhibit 14, page 12). HARPER advised that at the time of the [ ] announcement, the Promotion Policy 111 had not been implemented at the Callaway site; however, the procedure was in use at some sites and Wackenhut was in the process of implementing the procedure at the remaining sites. HARPER further advised that the criteria regarding education requirements for security positions at Wackenhut did not require that an individual possess a college education/degree to be considered for promotion.

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Regarding the [redacted] that was distributed during [redacted] HARPER stated that after meeting the requirements to become a candidate, the selection criteria for the [redacted] was based only on the candidate's interview and "That was expressed to each of the candidates prior to the interview as well" (Exhibit 14, page 20). HARPER advised that the questions utilized in the interview process for the candidates for the [redacted] position at Callaway were the same questions previously used during the selection process for a [redacted] at the Salem Hope Creek Generating Station. HARPER stated, "I personally contacted each of the candidates in that process and all were very comfortable with it and with no negative feedback" (Exhibit 14, page 26). 7C

Interview of Marty FAULKNER (Exhibit 15)

On February 26, 2003, Martin "Marty" FAULKNER, Security Manager, Cooper Nuclear Station (Cooper)/Nebraska Public Power Division, was telephonically interviewed in Brownville; Nebraska, by OLRIV from Fulton, Missouri. Also present during the interview of FAULKNER was HICKEY, Attorney and Legal Representative for Callaway.

FAULKNER advised that he was presently employed as the security manager for Cooper in Brownville, Nebraska. FAULKNER's immediate supervisor is David MEYERS, Senior Manager of Site Support. FAULKNER's employment history at Callaway began on August 1, 1983, in the emergency preparedness department, and in January 1997 he was transferred to the security department as the assistant superintendent of security and later to superintendent of security in January 1999. FAULKNER retired from Callaway in April 2002 and accepted employment at Cooper as the security manager.

FAULKNER advised that while he was employed at Callaway, he had a working relationship as a coworker with [redacted] and had interactions with him throughout the year 1983 during [redacted] liaison functions. FAULKNER stated that although he had no involvement with the [redacted] conducted by Wackenhut/Callaway, he was aware that [redacted] had participated in the [redacted]. FAULKNER recalled that [redacted] had alleged that [redacted] 7C

FAULKNER recollected that subsequent to the [redacted] by Wackenhut/Callaway and the matter was investigated by the NRC. FAULKNER stated that as a result of the NRC investigation, the NRC held an enforcement conference with Wackenhut/Callaway management. FAULKNER stated that during subsequent conversations with [redacted] told him that "...he disagreed with ... the [redacted] was not ... [redacted] felt that either they [redacted]

(Exhibit 15, page 12).

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FAULKNER advised that [ ] also told him that he [ ] had forwarded concerns regarding the [ ]

[ ] FAULKNER recalled that during their discussions, the only complaints he heard from [ ] was that "...he felt his integrity was being questioned by the NRC ... with the result of the investigation" (Exhibit 15, page 21).

FAULKNER stated that he has no knowledge regarding [ ] response to the [ ] and [ ] selections for promotion. 7C

FAULKNER advised that during his employment at Callaway he had never observed any harassment, intimidation, or discrimination towards employees for raising concerns.

Interview of Daniel BILSKI (Exhibit 16)

On February 26, 2003, Daniel R. BILSKI, Project Manager, Wackenhut at South Texas Project Nuclear Operating Company (STP), was telephonically interviewed by OI:RIV from Fulton, Missouri. Also present during the interview of BILSKI was DORAN, Attorney and Legal Representative for Wackenhut.

BILSKI began his employment with Wackenhut in the nuclear security department at the STP facility in March 1987. BILSKI is currently the project manager for STP. BILSKI stated that in [ ] he was contacted by [ ] and invited to participate on the selection board panel for the [ ] BILSKI advised that he accepted [ ]

Regarding the interview process for the [ ] BILSKI stated that he had no knowledge of the candidates prior to the interviews, to include [ ] BILSKI advised that [ ] were interviewed, asked a series of questions, and ranked/scored independently by [ ] BILSKI stated, "...we did not discuss the rankings for each candidate between each candidates's interview" (Exhibit 16, page 11). BILSKI advised that his computations from the interview rankings reflected that of the [ ] had received the highest score. 7C

BILSKI stated that upon completion of the interviews, [ ] candidate score sheets were turned over to [ ] BILSKI advised he was unaware of [ ] selection for [ ] until he called [ ] a week a later and he informed him that "...information would be coming out corporate wide that [ ] was announced as the [ ] for Callaway" (Exhibit 16, page 13).

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Interview of James MILLS (Exhibit 17)

On February 26, 2003, James "Jim" MILLS, Director of Nuclear Operations for Wackenhut corporation, was telephonically interviewed by OLRIV from Fulton, Missouri. Also present during the interview of MILLS was DORAN, Attorney and Legal Representative for Wackenhut.

MILLS began his employment with Wackenhut as a security officer in February 1982. Since 1982, MILLS has been promoted and held various positions of alarm station corporal, alarm station sergeant, shift supervisor, operations supervisor, project manager, and in 1988, director of nuclear operations.

MILLS advised that he first met [redacted] during a transition phase when Wackenhut assumed the contract for security at Callaway and also had casual conversations on occasions with [redacted] as well as other security officers during site visits to Callaway. Regarding his knowledge of the [redacted] conducted by Wackenhut/Callaway and the NRC, MILLS stated, "The only knowledge I have, and it's very, very limited, was just casual conversation in the corporate building" (Exhibit 17, page 9).

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for promotion to the [redacted] MILLS stated, "...I know they had a promotion board ... for [redacted] But ... I had no knowledge of how it even turned out until after the fact" (Exhibit 17, page 11). 7C

Regarding [redacted] that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for [redacted] MILLS stated that he and [redacted] originally met with Richard MICHAU, President of Nuclear Services for Wackenhut, to discuss creating a promotion board to fill the [redacted] MILLS stated that MICHAU requested that "...an objective person from another site also participate as a board member to make three members on ... the board" (Exhibit 17, page 13). MILLS advised that [redacted] was selected to participate on the [redacted] at Callaway. MILLS further advised that he and [redacted] obtained a list a questions which were used previously by promotion panels for the [redacted] at other sites for use on the Callaway promotion panel. MILLS stated that the questions and procedures utilized during the selection process for the [redacted] position at Callaway were the same questions and procedures utilized by promotion boards at other sites. MILLS stated that during the interview process, the candidates were questioned by [redacted] however, "...we shared no ratings ... we didn't even discuss that between candidates at all" (Exhibit 17, page 14). 7C

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Upon completion of the candidate interviews, MILLS advised that he and [ ] reviewed the tabulation of the scores for accuracy and prepared a summary sheet which reflected the scores of each candidate. MILLS advised that [ ] was the overall selectee for the position of [ ] as well as [ ]. MILLS stated, "[ ] in my opinion and obviously in the opinion of the other panelists, excelled on the board ... it was no doubt in my mind after the board ... who was the leader in that competition ... I had no thought that [ ] would win it.... But he ... did an exceptionally good job ... and that's why he was selected" (Exhibit 17, page 26).

MILLS stated that he only recently became aware that [ ] had reported that he was subjected to employment discrimination and nonselection for promotion and [ ] was unaware that [ ] had also reported a safety concern regarding the [ ]

#### Interview of Richard MICHAU (Exhibit 18)

On February 26, 2003, Richard A. MICHAU, President of Nuclear Services for Wackenhut corporation, was telephonically interviewed by OIRIV from Fulton, Missouri. Also present during the interview of MICHAU was DORAN, Attorney and Legal Representative for Wackenhut.

MICHAU began his employment with Wackenhut corporate in the Nuclear Services Division in April 1997 as a vice president and was promoted to President in January 1999. MICHAU stated that prior to employment with Wackenhut, he had "...over 21 years in the nuclear security business or industry" (Exhibit 18, page 5).

When questioned about the [ ] investigation conducted by Wackenhut/Callaway, MICHAU advised that as President "...I had full knowledge of all the information that was coming in..." and had been briefed by DUNBAR who was the project manager for Wackenhut during that period (Exhibit 18, page 6). MICHAU advised that he had assigned KINDLIEN as the investigator for Wackenhut regarding the investigation of the [ ]. Although MICHAU did not have any interaction with the Wackenhut staff at Callaway other than DUNBAR, he [MICHAU] stated that he was aware "...that there was some allegations that [ ] had ... harassed..." MICHAU advised that subsequently Wackenhut/Callaway was charged with a violation of CFR 50.5 [deliberate misconduct] by the NRC and an enforcement conference was scheduled with Wackenhut/Callaway management by the NRC. MICHAU stated that [ ] MICHAU stated he was not aware that [ ] had made comments to [ ]

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MICHAU further recalled that, reportedly, [redacted] was frustrated with the [redacted] and had indicated to DUNBAR that he [redacted] wanted to file a complaint with the NRC. MICHAU stated that subsequently he instructed DUNBAR to advise [redacted] of his rights "...as far as ... reporting the allegation to the NRC ... and that was (sic) ... his legal right to do that" (Exhibit 18, page 12).

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] for [redacted] MICHAU stated that he was not directly involved in the promotion process for the [redacted] although he was the approving official for the [redacted] MICHAU stated, "...we have to follow the criteria for 10 CFR, Appendix B, when we do all the hiring for security officers" (Exhibit 18, page 14). MICHAU advised that there was no requirement for a college degree for employment or promotion at Wackenhut. MICHAU further stated, "Out of 30 ... managers ... 31 nuclear sites ... I have 14 with no college degrees, 9 with an associate degree and 7 with bachelor's degrees" (Exhibit 18, page 25). 7C

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination by not selecting him [redacted] MICHAU stated, "...there is no procedure for how we will hire and promote ... a [redacted]" (Exhibit 18, page 15). MICHAU further advised that the [redacted] was usually appointed to the position by the president of the division; however, due to the fact that there were several qualified candidates at the [redacted] location, he [MICHAU] granted approval to post the [redacted] position. MICHAU related that promotion boards for the [redacted] positions were held at Salem Hope Creek [redacted] Three Mile Island in [redacted] and Callaway in [redacted] because there were several qualified candidates; however, he [MICHAU] stated that there were no promotion boards at Seabrook Nuclear Power Plant and Pilgrim [NFI] because [redacted] as the [redacted] MICHAU further advised that although the [redacted] are not subject to the [redacted] all promotions were made in accordance with "...10 CFR 73, Appendix B" (Exhibit 18, page 18).

Regarding [redacted] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting [redacted] MICHAU stated, "... [redacted] had raised many safety concerns also under ... their CARS program..." and he was promoted to the [redacted] position. MICHAU stated that he was unaware that [redacted] had raised security concerns regarding [redacted] until after [redacted] 7C

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Interview of Patricia MARMON (Exhibit 19)

On February 26, 2003, Patricia B. MARMON, Director of Equal Employment Opportunity and Affirmative Action Program, Wackenhut Corporation, was telephonically interviewed by OI:RIV from Fulton, Missouri. Also present during the interview of MARMON was DORAN, Attorney and Legal Representative for Wackenhut.

MARMON began her employment with Wackenhut Corporate as a Personnel Generalist in the Human Resource Department in August 1987 and was promoted to Director in 1988. MARMON's immediate supervisor is Sandra NUSBAUM, Vice President of Human Resources.

MARMON related that in [redacted] which alleged that in retaliation for raising security/safety concerns, he was not selected for promotion [redacted] MARMON stated that she conducted an investigation related to [redacted] and found "...there was not merit to his complaint" (Exhibit 19, page 10). MARMON stated that although she conducted interviews of Wackenhut/Callaway personnel during her investigation, she did not interview [redacted] ] 7C

MARMON stated that her investigation of [redacted]

performance during interview was not favorable. ]

MARMON stated that her investigation of [redacted]

[redacted] MARMON further stated that she "...was convinced ... the person that was ultimately selected had interviewed very well" (Exhibit 19, page 11).

Subsequently, MARMON advised that [redacted] and she was later contacted by an OSHA investigator, Jack STEPHENSON. MARMON stated that copies of her investigative reports, dated November 12, 2002, and December 27, 2002, regarding [redacted] complaints filed with Wackenhut were forwarded to STEPHENSON. ] 7C

AGENT'S NOTES: Documents provided by MARMON during her interview on February 26, 2003, are referenced within Exhibits 41 through 43.

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Re-interview of [redacted]

(Exhibit 20)

On March 31, 2003, [redacted] telephonically contacted OI:RIV with questions regarding his employment discrimination allegation/complaint filed with the NRC. [redacted] was referred to ACES:RIV by OI:RIV for a response to his questions concerning his employment discrimination allegation/complaint.

When questioned by OI:RIV regarding his Wackenhut Personnel File, [redacted] stated his recent review of the file disclosed [redacted]

7C

#### REVIEW OF DOCUMENTATION

Documents Provided by [redacted] on September 9, 2002 (Exhibit 21)

A review of documents provided by [redacted] on September 9, 2002, disclosed the following:

Page 1: Handwritten note by [redacted] undated, which listed information that he alleged was not forwarded to him by Wackenhut while he was on duty.

Pages 2-3: A copy of a brochure, "Excellence in Human Performance," which stated the goals and visions of the Callaway Plant.

Emails/Documents Sent by [redacted] to OI:RIV various dates (Exhibit 22)

A review of emails/documents sent by [redacted] to OI:RIV on various dates disclosed the following:

Pages 1-2: This email from [redacted] to CDH@nrc.gov [Crystal Holland, Special Agent, OI:RIV], dated October 13, 2002, was a "Formal Complaint of Discrimination" filed by [redacted] with DOL/OSHA which alleged that he [redacted] "...was passed over for ... promotions due to ... interactions with the NRC in regards to their enforcement action against AmerenUE and Wackenhut Security." [redacted]

7C

Pages 3-4: This email from [redacted] to Holland, dated November 14, 2002, alleged that [redacted] called me this Tuesday morning this week and advised me of all the negative reasons not to pursue this position..."

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- Page 5: This email from [ ] to Holland, dated November 14, 2002, advised that the only response [ ] received pertaining to his email questioning the [ ]
- Pages 6-7: In this email from [ ] about the changes to the "NSD Promotion Policy 111."
- Pages 8-9: This email from [ ] to Holland, dated November 14, 2002, provided a "Discrimination Update" to OI:RIV. In this email, [ ] provided details of his contacts with FAULKNER, CORBIN, and OSHA. ] 7C
- Page 15: In this email, dated November 16, 2002, from [ ] to Holland, he [ ] stated that [ ] had forwarded a "...series of emails ... [ ] however, he suspects [ ] motivations for informing him [ ] of the positions.
- Page 18: This email from [Holland to [ ] dated February 5, 2003, was an email response notification to [ ] which advised that [ ] facsimile regarding his DOL/OSHA letter had been received by OI:RIV on February 3, 2003.
- Page 19: This email, dated [March 3, 2003, was an acknowledgment to [ ] that OI:RIV had received documents [pages 20-25] regarding his summary report and rebuttal which had been left for OI:RIV under the door of the Interview Room at the Callaway Plant on February 26, 2003.
- Pages 26-30: This email from [ ] to Holland, dated March 30, 2003, was [ ] rebuttal to Callaway's report, "Summary of Callaway Plant ECP Review and Conclusions," dated February 27, 2003 [pages 29-30].
- Pages 31-32: This email from [ ] to Holland, dated March 30, 2003, was an advisory that he [ ] has filed a second complaint with OSHA. Further, attached was an email response to PEEVY listing topics that wanted to address during their pending meeting. 7C

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Page 33: This email from [ ] to Holland, dated March 30, 2003, advised that he [ ] "...did officially start a second complaint with DOL-OSHA against both Wackenhut and AmerenUE for a chilling and hostile environment."

Page 35: This email from [ ] to Holland, dated April 10, 2003, was an advisory of his [ ] contacts with ACES:RIV and DOL/OSHA. 7C

Pages 36-40: This email from Holland to [ ], dated April 28, 2003, was an email response acknowledging that three letters [pages 38-40] were received via facsimile by OI:RIV from [ ]. Further, [ ] was advised by OI:RIV that his letters were forwarded to ACES:RIV.

Documents Provided by BAUMEISTER Regarding the [ ] facsimile date  
December 23, 2002 (Exhibit 23)

A review of documents provided by BAUMEISTER regarding the [ ] disclosed the following:

Page 1: A letter, dated December 4, 2001, from DUNBAR to [ ]

Page 2: [ ]

Pages 3-4: This document, Wackenhut Nuclear Services Division Trip Report, prepared by [ ] 7C

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Pages 5: This handwritten document reflected the promotion board's [ ]  
[ ] raw candidate scores assigned during the selection  
process. A review of the document disclosed that [ ]

Interview:  
Writing:  
Personnel Issues:  
Education:

TOTAL = 89.5 87

Memorandum from MICHAU to WNSD Personnel/Callaway Station, dated May 17, 2002  
(Exhibit 24)

This letter was notification that "...the NSD is seeking qualified candidates interested in filling the [ ] s position..." at Callaway and those interested were required to submit a resume and a letter of interest to MICHAU by Friday, May 31, 2002.

Attached to the memorandum was a Letter of Interest from [ ] to MICHAU, dated May 25, 2002.

Email from CORBIN to Wackenhut Employees, dated July 19, 2002 (Exhibit 25)

This email was a notification to Wackenhut's "Security Force Members" that a new promotion procedure, "Wackenhut Nuclear Services Division Procedure #111," had been implemented at Callaway. The Promotion Procedure #111 [Pages 4-7] specifies the criteria to be utilized during the promotion process: written examination; oral questions and interview; review of performance appraisals, attendance, achievements and disciplinary actions; review of educational background; and board interaction and review.

Wackenhut Nuclear Services Division Procedure Manual, Promotion Procedure Number: 111,  
Effective: September 21, 2001 (Exhibit 26)

This document outlined the promotion process and standards utilized "...for promotion of NSD Security force personnel..." employed by Wackenhut.

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Documents Provided by PEEVY Regarding the [redacted]  
(Exhibit 27)

facsimile date July 22, 2002

A review of documents provided by PEEVY regarding the [redacted] disclosed information identical to Exhibit 23 with the exception that a copy the [redacted] sheet was included with PEEVY's documentation.

A review of the [redacted] sheet [Pages 2-3] disclosed the 10 questions that were posed orally to the [redacted] by the Promotion Board. 7C

Documents Provided by PEEVY Regarding the [redacted]  
July 2, 2002 (Exhibit 28)

facsimile date

A review of documents provided by PEEVY regarding the [redacted] position disclosed the following:

Page 1: A memorandum from MICHAU to WNSD Personnel/Callaway Station, dated May 17, 2002, posting the [redacted] position at Callaway.

Page 2: An email message from [redacted]

[redacted] were scheduled to be interviewed for the [redacted] position on [redacted]. Further, the email reflected that [redacted] interview was scheduled for [redacted].

Pages 3-22: This document, The Wackenhut Corporation [redacted] Interview form, contained the 20 interview questions posed to the candidates who were interviewed for the [redacted]. Each question signified 10 points which ultimately resulted in a possible total of 200 interview category points.

Pages 23-26: A memorandum to "Memo to Record" from [redacted]

This memorandum further reported that the [redacted] candidates [redacted] were briefed by [redacted] "...that the person that performed best during the interviews 7C

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would be evaluated for the [REDACTED] position..." and each candidate would be asked the same 20 questions by the promotion board members. Further, the memorandum stated that the candidates were advised that if it was determined that they [REDACTED] did not meet the qualifications for [REDACTED] the position would be posted and possibly filled from external sources. 7C

This memorandum disclosed the promotion board members' [REDACTED] total average interviews test and file scores for the candidates. A review of the memorandum showed that [REDACTED] received the highest overall score of [REDACTED] and [REDACTED] received the second highest overall score of [REDACTED]. Notification of the selection of [REDACTED] as the [REDACTED] was made on June 20, 2002, and concurrence from DUNBAR obtained on June 24, 2002.

Email from [REDACTED] dated May 28, 2002 (Exhibit 29)

This email from [REDACTED] was in response to the posting of the [REDACTED] position on [REDACTED]. In this email [REDACTED] further stated he realized that he " [REDACTED] the position..." during the interview and explained that his actions were due to his " [REDACTED] indicated that he had an interest in the [REDACTED] position and included [REDACTED]

Email from [REDACTED] dated July 7, 2002 (Exhibit 30)

This email was notification to Callaway that [REDACTED] was filing "...an employee concern ... due [REDACTED] 7C

[REDACTED] (Exhibit 31)

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Callaway ECP Report and Interview Notes Regarding [redacted] "chilled and hostile environment" Complaint Filed on January 6, 2003. Provided by PEEVY (Exhibit 32)

This report was generated as a result of a Second Complaint filed by [redacted] regarding his alleged continued exposure by Callaway to a "chilled and hostile environment."

AGENT'S NOTES: On February 25, 2003, [redacted] requested an interview with OI:RIV to report new allegations of discrimination against him by Wackenhut personnel. Subsequent to the interview with OI:RIV, [redacted] provided documentation in support of his new discrimination concerns. On March 13, 2003, [redacted] allegations/concerns were forwarded to ACES by OI:RIV for review. On May 20, 2003, OI:RIV initiated an investigation [4-2003-027] regarding [redacted] new concerns of discrimination against him for raising safety concerns. The documents contained within this exhibit [Exhibit 32] will be retained for reference only in this report [4-2002-032]. A review and analysis of the documents will be conducted and annotated in the Report of Investigation 4-2003-027.

This report consisted of "ECP Meeting Notes [redacted] Complaint 1/06/03," dated January 29, 2003; "ECP Interview [redacted] dated February 5, 2003; "ECP Interview [redacted] dated February 18, 2003; "ECP Interview [redacted] dated February 5, 2003; "ECP Interview [redacted] dated February 5, 2002; "Summary of Callaway Plant ECP Review and Conclusions," dated February 27, 2003; "ECP Interview Notes [redacted] January 23, 2003; "ECP Interview Notes [redacted] dated January 23, 2003; "ECP Interview Notes [redacted] dated January 23, 2003; "ECP Interview Notes [redacted] dated January 24, 2003; and "ECP Notes [redacted] dated January 27, 2003 [no text].

Documents Provided by DUNBAR Regarding the [redacted] facsimile date July 22, 2002, (Exhibit 33)

These handwritten documents provided by DUNBAR reflected the promotion board's [redacted] raw interview scores and the "Promotional Opportunity Log" for the [redacted]

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AGENT'S NOTES: These handwritten documents were also referenced in Exhibit 23, pages 2 and 5.

Documentation Provided by [ ] In Support of Discrimination Concerns (Exhibit 34)

A review of documents provided by [ ] in support of his discrimination concerns disclosed the following:

Pages 1-3: This document, undated, was [ ] "Chronological Listing of Events" beginning [ ]

Page 4: This handwritten note by [ ] listed his concerns related to the [ ]

Page 5: This letter from Ellis MERSCHOFF, Regional Administrator, RIV:NRC, to Garry RANDOLPH, Senior Vice President, Callaway, dated May 14, 2001, was a Notice of Violation and Proposed Imposition of Civil Penalty for \$55,000 for violation of NRC regulations. [ ]

Page 13: This email from DUNBAR to [ ] dated February 14, 2001, requested that [ ]

Page 14: - This document, Callaway Plant New Bulletin-Predecisional NRC Enforcement Conference, from RANDOLPH to Nuclear Division Personnel, dated February 8, 2001, provided notification that an enforcement conference was scheduled in Arlington, Texas, on March 7, 2001, to address violations of regulation 10 CFR 50.7 by Wackenhut. [ ]

Pages 15-19: This letter from DOL to Wackenhut, dated February 11, 2000, was notification of DOL's investigative findings that "[ ]

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Documentation Provided by [ ] in Support of Discrimination Concerns (Exhibit 35)

A review of documents provided by [ ] in support of his discrimination concerns reported to OI:RIV on September 9, 2002, disclosed the following: K

Pages 1-5:

AGENT'S NOTES: During OI:RIV's interview with [ ] on September 9, 2002, he [ ] acknowledged that he had planned to file a complaint against OI:RIV with the Office of the Inspector General, NRC; however, when questioned during the interview [ ] stated "...I do not plan to pursue that" (Exhibit 3, page 14).

Pages 6-8: In this email from [ ] provided a "...a list of acts and concerns which have occurred which I believe require Management attention and investigation."

Pages 12-21: This document, Wackenhut Nuclear Services Procedure Manual, Open Door Policy, Number 114, Effective: November 8, 2002, provided guidance to Wackenhut employees with instructions in addressing and/or resolving job-related issues.

Documentation Provided by [ ] in Support of Additional Discrimination Concerns (Exhibit 36)

On February 25, 2003, [ ] requested an interview with OI:RIV to report new allegations of employment discrimination against him by Wackenhut personnel. Subsequent to the interview with OI:RIV, [ ] provided documentation in support of his new discrimination concerns [Pages 23-78]. 1C

AGENT'S NOTES: On March 13, 2003, [ ] allegations/concerns were forwarded to ACES by OI:RIV for review. On May 20, 2003, OI:RIV initiated an

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investigation [4-2003-027] regarding [redacted] new concerns of employment discrimination against him for raising safety concerns. The documents contained within this exhibit [Exhibit 36] will be retained for reference only in this report [4-2002-032]. A review and analysis of the documents will be conducted and annotated in the Report of Investigation 4-2003-027.

Documentation Provided by CORBIN Regarding  
Interviews on [redacted] (Exhibit 37)

Oral Board 7C

A review of documents provided by CORBIN which reflected [redacted] as a [redacted] in Oral Board Interviews for the positions of Shift Security Assistant Supervisor (SSAS) on [redacted] disclosed the following:

- Page 2: This memorandum from CORBIN to All Security Force Members, handwritten date of August 21, 2002, announced the promotion of five individuals to the position of SSAS. Handwritten annotations by CORBIN on the document reflected that none of the individuals had a college degree.
- Page 3: This document reflected that of 21 individuals, 5 individuals with the top scores were promoted to SSAS. None of the 5 individuals promoted to SSAS had a college degree; however, all 5 individuals that were selected had scored higher than 2 other individuals with college degrees.
- Page 4: This memorandum from CORBIN to Security Force Personnel, dated October 10, 2002, announced the promotion of 8 individuals to "CAS/SAS Supervisor."
- Page 5: This document reflected that of 20 individuals, 8 individuals with the top scores were promoted to "CAS/SAS Supervisor." According to CORBIN, none of the 8 individuals promoted to "CAS/SAS Supervisor" had a college degree; however, all 8 individuals that were selected had scored higher than 3 other individuals with college degrees. 7C

AGENT'S NOTE: This documentation was provided to OI:RIV by CORBIN and shows that [redacted] selected individuals who did [redacted]

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not have a college degree over individuals that had college degrees. This documentation was provided to OI:RIV as a result of an allegation by [redacted]

7C

Email from CORBIN to Holland, dated March 27, 2003 (Exhibit 38)

This email from CORBIN to Holland confirmed "...that from the period of November 1998 through February 2003 there was no formal review process (Performance Appraisal) in place for Wackenhut Security personnel at the Callaway Nuclear Plant."

Facsimile from CORBIN to Holland, dated March 27, 2003 (Exhibit 39)

This facsimile contained the attendance records of [redacted] that were reviewed during the promotion process for the [redacted] CORBIN stated that he contacted [redacted] and "...both concur that the attendance record for the applicants for this position would have been the only item from the personnel files reviewed during the promotion process for this position." A review of [redacted] attendance records for the period 1998 through 2002 disclosed the following:

1. Hire Date: [redacted]

2. Tardy: [redacted]

3. Illness-Excused/  
Sick: [redacted]

4. Delayed Arrival-  
Excused: [redacted]

7C

Letter from CORBIN to Holland, dated April 2, 2003 (Exhibit 40)

This letter, from CORBIN to Holland, was in response to a request for records from the personnel files of [redacted] and [redacted] submitted for the [redacted]

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Page 1: This letter stated that [ ] was selected as the [ ]

Pages 2-4: This letter from [ ] submitted to Wackenhut as his letter of intent to apply for the [ ] 1C

Pages 5-6: This letter from [ ] as his letter of intent to apply for the [ ]

Pages 20-21: This document was [ ] college academic record from [ ]

Pages 32-35: These documents were a series of one letter of appreciation and three certificates of recognition from Wackenhut to [ ]

Pages 36-37: This letter from [ ] dated January 3, 2002, was [ ] letter of intent to apply for the [ ]

Pages 39: This certificate from [ ]

Letter from MARMON to Jack STEVENSON, DOL/OSHA, dated November 12, 2002 (Exhibit 41)

This letter from MARMON to STEVENSON was a response to DOL/OSHA regarding [ ] allegations of employment discrimination for reporting a safety concern which resulted in his [ ]

Letter from MARMON to STEVENSON, DOL/OSHA, dated December 27, 2002 (Exhibit 42) 1C

This letter from MARMON to STEVENSON was a response to a request for information regarding Wackenhut's "NSD Procedure 111" and "the [ ]". Included in this letter was an affidavit from MILLS which stated on page 6, the "NSD Procedure 111 does not apply to the [ ] selection process."

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Letter from DORAN to STEVENSON and Felix BOGENSHUTZ, DOL/OSHA, dated January 8, 2003 (Exhibit 43)

In this letter, DORAN provided information to STEVENSON and BOGENSHUTZ, DOL/OSHA, which he [DORAN] stated:

- Page 2: In paragraph 5, DORAN stated, "The successful candidate, [redacted] filed five such CARS in months leading up to consideration for the [redacted] Thus, such reporting is not a concern for the corporate office."
- Page 4: In paragraph 2, DORAN stated, "...when the Promotion Board convened in [redacted] the board members interviewing the candidates did not know that the [redacted] which was a relatively low-level issue that was addressed at the site without any involvement whatsoever from the corporate office."
- Page 5: In paragraph 2, DORAN stated that "...the criteria used to evaluate candidates and the questions posed to applicants for the Callaway [redacted] were the "...same questions ... used in 2002 by promotion boards at Callaway and at Salem/Hope Creek as well."
- Page 6: In paragraph 1, DORAN stated, "...[redacted] does not want to accept the fact that a [redacted] was promoted to the position of [redacted] the Promotion Board for Salem/Hope Creek in May, 2002 recommended a candidate for the [redacted] position over that candidate's supervisors ... the Promotion Board for Three Mile Island in [redacted] recommended an applicant who had no college education. [redacted]
- [redacted]...As reflected by ... Richard Michau, the President of the Nuclear Services Division, the frequency of successful candidates for [redacted] positions without a college degree is relatively high."

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- Pages 7-8: On these pages, DORAN provided a pay comparison between [redacted] current position and the [redacted] position which reflected that [redacted].
- Pages 11-14: Affidavit of Daniel BILSKI, dated ~~January 8, 2003~~. 7C
- Pages 15-43: Affidavit of Fred HARPER, dated January 8, 2003, with attachments regarding [redacted] and "emails with [redacted]"
- Pages 44-49: Affidavit of Richard MICHAU, dated ~~January 8, 2003~~, with attachments regarding "Relevant Excerpts From Job Postings For [redacted] Positions."
- Pages 50-53: Affidavit of James MILLS, dated ~~January 8, 2003~~.
- Pages 54-55: A copy of the Callaway Action Request System (CARS), Action Request dated [redacted] which documented [redacted] concern that [redacted]
- Pages 56-57: A copy of an "E-mail From [redacted] That Form Of CARS Is Acceptable."
- Pages 58-63: A copy of the five (5) CARS reporting concerns that were submitted by [redacted]
- Pages 64-68: A copy of "OFCCP Documentation on Audit of Wackenhut."

Letter from DORAN to STEVENSON, DOL/OSHA, dated January 13, 2003 (Exhibit 44)

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Memorandum from DUNBAR to [redacted] dated February 1, 2002 (Exhibit 45)

This memorandum from DUNBAR acknowledged the receipt of [redacted] concern regarding "both current Nuclear Security Officers and New Nuclear Security Officers."

The handwritten attachment to the memorandum from [redacted] dated February 2, 2002 stated, "Thank you for your prompt reply."

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Letter from John JASINSKI, dated June 6, 2002 (Exhibit 46)

This letter from John JASINSKI, Director of Nuclear Operations, Mid-Atlantic Region, Wackenhut at Three Mile Island Plant (TMI), Middletown, Pennsylvania, was an announcement for the [redacted] position at TMI. The letter stated that the minimum qualifications required to apply for this position included two years of supervisory experience and no record of "...any formal discipline on file for the previous twelve months..."

Attached to this memorandum was the "New Hire Applicant Review Checklist" which disclosed that after meeting the initial application requirements, the candidates were rated on their interview scores only.

Letter from DORAN to Holland, dated March 3, 2003 (Exhibit 47)

In this letter, DORAN stated that selections of security force personnel for positions at the Callaway plant were "...in accordance with the requirements as specified in 10 CFR 73, Appendix B."

Page 1: In paragraph 3, DORAN stated that during discussions with MICHAU, he [MICHAU] confirmed that a nationwide review of thirty Wackenhut [redacted] disclosed that "...fourteen had no college degree, nine had an Associates degree, and seven had a Bachelor's degree."

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Page 3: Specification for Security Service for Union Electric D/B/A Ameren-UE Company - Callaway Plant, dated June 10, 1998, Section 3.3.1, stated "Selection of all Security Force personnel SHALL include consideration of character traits, motivation, and ability to perform those mental, physical, and physical fitness tasks required of Security Force personnel in accordance with the requirements specified in 10 CFR 73, Appendix B."

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Page 5-6:

A copy of "10 CFR - Appendix A to Part 73-U.S. Nuclear Regulatory Commission Regional Offices (1-1-03 Edition)" stated that the criteria for employment of an individual as a security officer under requirements for education stated that the individual must "Possess a high school diploma or pass an equivalent performance examination..."

### AGENT'S ANALYSIS

#### Protected Activity:

[ ] raised safety and security concerns regarding the [ ]

7C

#### Management's Knowledge of Protected Activity

Wackenhut/Callaway management [ ] were aware of [ ]'s protected activity because [ ] informed management and nonmanagement personnel of his concerns regarding the [ ] by Wackenhut/Callaway and the NRC. Further [ ] raised concerns regarding the assignment of [ ] during a staff meeting and later, [ ]

#### Adverse Actions

[ ] nonselection for promotion on [ ] was not related to his protected activity.

##### a. Nonselection for [ ]

7C

During [ ] [ ] submitted a Letter of Interest in response to the posting of a promotion opportunity for the [ ] During January 2002, [ ] was interviewed by a promotion panel for the [ ] however, [ ] was selected for the [ ]

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b. Nonselection for

in

During [ ] submitted a Letter of Interest in response to the posting of a promotion opportunity for the [ ] position. During [ ] was interviewed by a promotion panel for the [ ] position; however, [ ] was selected for the [ ] position.

Was the Protected Activity a Factor in the Adverse Action

The evidence developed during this investigation disclosed that [ ] was not subjected to employment discrimination, adverse actions, or not selected for promotions because of his participation in protected activities. A review of documents and testimony from witnesses revealed that [ ] was provided an unbiased and equitable opportunity to apply, compete, and interview as a candidate for the [ ] positions.

Although mitigated by the lack of a final standard Promotion Procedure at that time, the promotion procedures were followed in accordance with policy as stated at that time.

a. Nonselection for

Both [ ] submitted their signatures on the Promotional Log (Exhibit 23, page 2) by the closing date of [ ] and submitted letters of intent by the closing date of [ ] (Exhibit 40, pages 2-6) for the [ ]

A review of the promotion board's [ ] raw candidate scores assigned to the candidates during the selection process disclosed that [ ] candidates were rated in four categories. [ ] received the highest overall score and [ ] received the second highest overall score. Specifically, [ ] was rated 2.5 points higher than [ ] Scores for [ ] were annotated as follows (Exhibit 23, page 5):

Interview:

Writing:

Personnel Issues:

Education:

TOTAL = 89.5

87

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[ ] "...both concur that the attendance record for the applicants for this position would have been the only item from the personnel files reviewed during the promotion process for this position." A review of [ ] disclosed the following (Exhibit 39):

1. Hire Date:
2. Tardy:
3. Illness-Excused/  
Sick:
4. Delayed Arrival-  
Excused:

On May 28, 2002, [ ] sent an email to [ ] apologizing for wasting [ ] time during [ ] (Exhibit 29).

b. Nonselection for

A review of the promotion board members' [ ] total average interviews test and file scores for the candidates showed that [ ] received the highest overall score of [ ] and [ ] received the second highest overall score of [ ]. Notification of the selection of [ ] was made on [ ] and concurrence from [ ] obtained on [ ]. Specifically, [ ] was rated [ ] points higher than [ ] as reflected below (Exhibit 41, page 17):

Average Score

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According to MICHAU and HARPER, the Promotional Policy NSD 111 was not a requirement for the [ ] position because this position was normally an appointed position only (Exhibits 14 and 18).

A letter from MARMON to STEVENSON, in response to a request for information regarding Wackenhut's "NSD Procedure 111" and "the [ ] promotion process," stated in an affidavit from MILLS on page 6, the "NSD Procedure 111 does not apply to the [ ] selection process" (Exhibit 42, page 6).

Regarding [ ] allegation that Wackenhut/Callaway management subjected him to employment discrimination for reporting [ ] MICHAU stated, "[ ] had raised many safety concerns ... under the CARS program..." and was still promoted to [ ] position (Exhibit 18, page 22). [ ] filed a safety concern with CARS subsequent to his nonselection [ ]

During his interview with OI:RIV on September 9, 2002, [ ] stated that interviews of [ ] personnel would support his allegations that he was nonselected for promotions because he raised security concerns and was involved in the [ ] Specifically, [ ] stated that he disagreed with the [ ] by Wackenhut; however, interviews of [ ] personnel disclosed that [ ] was very clear that his [ ] Further, all of the individuals interviewed believed that the best candidates were selected for the [ ] positions and did not believe that [ ] nonselections for promotion were a result of discriminatory or retaliatory actions on behalf of Wackenhut/Callaway.

AGENT'S NOTES: This investigation determined that although [ ]

Further, interviews of Wackenhut/Callaway personnel conducted by OI:RIV regarding [ ] desire to attend the [ ] disclosed that [ ] wanted to attend the [ ] for personal reasons which were not relevant to the case. Specifically, [ ] wanted to attend the [ ]

[ ] When asked by OI:RIV during his interview on September 9, 2002, if he wanted to file a complaint, [ ] declined and stated that he had changed his mind.

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[ ] further stated that during his 2001 interview with OI:RIV, he did not fully disclose all information or concerns because "they didn't ask" (Exhibit 3, page 27).

When questioned by OI:RIV regarding his Wackenhut Personnel File [ ] related that his recent review of the file disclose no adverse actions or negative commentary. [ ] stated that he found that his personnel file was "in order" (Exhibit 20).

In summation, OI:RIV determined that analysis of the evidence collected during this investigation revealed that [ ] protected activity was not a contributing factor, or related, to any adverse activity or non-selection for promotions. 7C

### CONCLUSIONS

Based on the evidence developed, the allegation that a [ ] was the subject of employment discrimination by Wackenhut for raising safety concerns to management and discussing enforcement action with the NRC was not substantiated.

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LIST OF EXHIBITS

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
1	Investigation Status Record, dated April 30, 2003 (2 pages).
2	Documents Provided by [ ] to ACES:RIV, various dates (65 pages).
3	Transcript of Interview with [ ] dated September 9, 2002 (118 pages). <i>TK</i>
4	Memorandum from Smith to Williamson, dated October 24, 2002 (2 pages).
5	<i>X</i> Various documents obtained or generated during coordination with RIV staff (32 pages). <i>X</i>
6	Transcript of Interview with COASH, dated February 25, 2003 (50 pages).
7	Transcript of Interview with BAUMEISTER, dated February 25, 2003 (47 pages).
8	Transcript of Interview with WEITH, dated February 25, 2003 (55 pages).
9	Transcript of Interview with PEEVY, dated February 25, 2003 (43 pages).
10	Transcript of Interview with LAUX, dated February 25, 2003 (19 pages).
11	Transcript of Interview with DUNBAR, dated February 25, 2003 (84 pages).
12	Transcript of Interview with [ ] dated February 25, 2003 (100 pages). <i>TK</i>
13	Transcript of Interview with CORBIN, dated February 26, 2003 (33 pages).
14	Transcript of Interview with HARPER, dated February 26, 2003 (33 pages).
15	Transcript of Interview with FAULKNER, dated February 26, 2003 (28 pages).
16	Transcript of Interview with BILSKI, dated February 26, 2003 (16 pages).

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- 17 Transcript of Interview with MILLS, dated February 26, 2003 (28 pages).
- 18 Transcript of Interview with MICHAU, dated February 26, 2003 (28 pages).
- 19 Transcript of Interview with MARMON, dated February 26, 2003 (19 pages).
- 20 Interview Report of [ ] dated May 7, 2003 (1 page).
- 21 Documents Provided by [ ] on September 9, 2002 (3 pages). 7C
- 22 Emails/Documents Sent by [ ] to OI:RIV, various dates (40 pages).
- 23 Documents Provided by BAUMEISTER Regarding the [ ]  
[ ] facsimile date December 23, 2002 (5 pages).
- 24 Memorandum from MICHAU to WNSD Personnel/Callaway Station, dated  
May 17, 2002 (5 pages).
- 25 Email from CORBIN to Wackenhut Employees, dated July 19, 2002 (7 pages).
- 26 Wackenhut Nuclear Services Division Procedure Manual, Promotion Procedure  
Number: 111, Effective: September 21, 2001 (5 pages).
- 27 Documents Provided by PEEVY Regarding the [ ] , facsimile date [ ] July  
22, 2002 (7 pages).
- 28 Documents Provided by PEEVY Regarding the [ ]  
facsimile date [ ] (26 pages). 7C
- 29 Email from [ ] to [ ] dated May 28, 2002 (1 page).
- 30 Email from [ ] to [ ] dated July 7, 2002 (3 pages).
- 31 [ ] 7C
- 32 Callaway ECP Report and Interview Notes Regarding [ ] "chilled and  
hostile environment" Complaint filed on January 6, 2003, Provided by PEEVY  
(28 pages).

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- 33 Documents Provided by DUNBAR Regarding the [ ] facsimile date  
July 22, 2002 (2 pages).
- 34 Documentation Provided by [ ] in Support of Discrimination Concerns,  
various dates (19 pages).
- 35 Documentation Provided by [ ] in Support of Discrimination Concerns,  
various dates (21 pages).
- 36 Documentation Provided by [ ] in Support of Additional Discrimination  
Concerns, various dates (78 pages).
- 37 Documentation Provided by CORBIN Regarding [ ] Participation on  
Oral Board Interviews on [ ] (5 pages).
- 38 Email from CORBIN to Holland, dated March 27, 2003 (1 page).
- 39 Facsimile from CORBIN to Holland, dated March 27, 2003 (12 pages).
- 40 Letter from CORBIN to Holland, dated April 2, 2003 (39 pages).
- 41 Letter from MARMON to Jack STEVENSON, DOL/OSHA, dated November 12,  
2002 (17 pages).
- 42 Letter from MARMON to STEVENSON, DOL/OSHA, dated December 27, 2002  
(12 pages).
- 43 Letter from DORAN to STEVENSON and Felix BOGENSHUTZ, DOL/OSHA,  
dated January 8, 2003 (68 pages).
- 44 Letter form DORAN to STEVENSON, DOL/OSHA, dated January 13, 2003  
(5 pages).
- 45 Memorandum from DUNBAR to [ ] dated February 1, 2002 (2 pages).
- 46 Letter from John JASINSKI, dated June 6, 2002 (2 pages).
- 47 Letter from DORAN to Holland, dated March 3, 2003 (7 pages).

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