

Allegation No.: RI-2002-A-0113
Site/Facility: Salem/Hope Creek
ARB Date: 9/04/2002

Branch Chief (AOC): Meyer
Acknowledged: No
Confidentiality Granted: No

Issue discussed: Potential violation of 50.7, Employee Protection, in that the allegor was discriminated against for raising a concern through the corrective action process.

Allegor contacted prior to referral to licensee (if applicable)? N/A

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Clifford Branch Chief (AOC) - Meyer SAC - Vito
OI Rep. - Letts RI Counsel - Fewell Others - Crlenjak, Barkley

DISPOSITION ACTIONS: (List actions for processing and closure. Note responsible person(s), form of action closure document(s), and estimated completion dates.)

- 1) Acknowledgment letter to the allegor along with his DOL rights.
Responsible Person: SAC ECD: 9/22/2002
Closure Documentation: _____ Completed: _____
- 2) Regional Counsel determined that allegor has articulated a prima facie case.
Responsible Person: Fewell ECD: _____
Closure Documentation: _____ Completed: 9/4/02
- 3) OI to open up a case (1-2002-033) and interview the allegor to gather additional information regarding the discrimination that the individual was subjected to as well as the nature of the protected activity he was engaged in.
Responsible Person: Letts ECD: TBD
Closure Documentation: _____ Completed: _____

SAFETY SIGNIFICANCE ASSESSMENT: The risk significance of this concern appears low to moderate as it is unclear whether the individual was engaged in a protected activity and whether the alleged discrimination actually constituted a clear violation of CFR 50.7 (i.e., his position or compensation were not impacted by the temporary suspension of his badge, but the action alone could be considered adverse).

PRIORITY OF OI INVESTIGATION: Medium (NORMAL)

If potential discrimination or wrongdoing and OI is not opening a case, provide rationale here (e.g., no prima facie, lack of specific indication of wrongdoing):

Request that OI interview the allegor to obtain additional information to determine whether it is prudent to continue with an investigation in this case.

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Rationale used to defer OI discrimination case (DOL case in progress):

No indication that the individual has filed with DOL at this time.

ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION (only applies to wrongdoing matters (including discrimination issues) that are under investigation by OI, DOL, or DOJ):

What is the potential violation and regulatory requirement? _____

When did the potential violation occur? _____

(Assign action to determine date, if unknown)

Once date of potential violation is established, SAC will assign AMS action to have another ARB at four (4) years from that date, to discuss enforcement statute of limitations issues.

NOTES: (Include other pertinent comments. Also include considerations related to licensee referral, if appropriate. Identify any potential generic issues)

Distribution: Panel Attendees, Regional Counsel, OI, Responsible Individuals (original to SAC)