

From: Sharon Johnson *ET*
To: Reactors
Date: 1/20/05 10:31AM
Subject: ****SENSITIVE ALLEG MATERIAL****

Attached are the Salem/Hope Creek ARB forms from 1/19/05.

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 7C, 7E
FOIA- 2005-194

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ALLEGATION REVIEW BOARD DISPOSITION RECORD

Allegation No.: RI-2003-A-0110
Site/Facility: Salem/Hope Creek
ARB Date: 1/19/2005

Branch Chief (AOC): Cobey
Acknowledged: Yes
Confidentiality Granted: No

Issue discussed: OI report for Case No. 1-2003-045 transmitted by RI OI letter dated December 28, 2004.

OI Conclusion: There is insufficient evidence to prove that the employment actions taken against the CI were in violation of the employee protection regulation.

Summary of Information from Report

- 1. There is substantial evidence to indicate that the employment actions were the result of other factors. [ARB agreed]
- 2. Management inadequate communications and inaction contributed to the CI's perception that the employment actions were the result of raising safety issues. [ARB noted that this was Indicative of past (and recovering) SCWE problems.]
- 3. Are management's inadequate communication and inaction subject to NRC enforcement or regulatory action? {ARB conclusion.....likely not. Facility is still in SCWE recovery mode. Prior established corrective actions in response to the SCWE issue would appear to be sufficient to address any SCWE issues identified within context of H&I investigation report.]

ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Uhle Branch Chief (AOC) - Cobey SAC - Vito, Harrison
OI Rep. - Teator RI Counsel - Farrar Others - Wiebe, Lubinski, Arrighi, Zobler,
Montgomery-White, Hilton, Jarriel, Holody, Urban, Kock, Holian

DISPOSITION ACTIONS:

- 1) As provided, ARB agrees w/OI conclusion that allegor was not discriminated against for engagement in protected activities.

Responsible Person: _____
Closure Documentation: _____

ECD: _____
Completed: 1/19/05

- 2) OI to complete [redacted] scheduled for week of 1/24/05. OI to inform tech staff and SAC of results. [redacted] after OI had completed the investigation report). [redacted]
[Allegation will be re-ARB'd if results [redacted] appear to have any significant bearing on current OI conclusion.]

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Responsible Person: Wilson/Teator
Closure Documentation: _____

ECD: 1/28/05
Completed: _____

1E

3) Issue 3-week e-mail (if [redacted] do not alter OI conclusion)

Responsible Person: Urban/Vito ECD: 2/5/05
Closure Documentation: _____ Completed: _____

4) Develop closure letter to *allegor* and letter to licensee w/summary of OI investigation results. Place pertinent personnel from other offices on concurrence. Consider including words that reaffirm SCWE conclusions, even though H&I was not substantiated. Also, based on status of [redacted] looking into one issue which *allegor* claimed involved his/her protected activity, consult w/management to consider combining closure documents to include discussion of both H&I and [redacted]

7C

Responsible Person: Urban/SAC ECD: 2/27/05
Closure Documentation: _____ Completed: _____

5) Issue closure letters (unless it is determined that distribution will await completed assessment of other wrongdoing issue).

Responsible Person: SAC ECD: 3/7/05
Closure Documentation: _____ Completed: _____

SAFETY SIGNIFICANCE ASSESSMENT:

PRIORITY OF OI INVESTIGATION:

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

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.

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

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