

From: Eugene Cobey *EC*  
 To: A. Randolph Blough; Brian Holian; Daniel Holody; David Vito; Diane Screnci; Ernest Wilson; James Wiggins; Jeffrey Teator; Joel Wiebe; Karl Farrar; Lisamarie Jarriel; Neil Sheehan; Samuel Collins  
 Date: 4/5/05 4:18PM  
 Subject: Re: Phone call to RI-2003-A-0110 allegor - providing investigation results

*X* Dave Lochbaum (UCS) *X* returned my call late this afternoon to discuss the results of our investigations. It was clear that he had already been made aware of the results (most likely from the allegor).

During the conversation, he made it clear that he felt that our handling of this case did more to create a chilling effect than anything being done by any licensee. He stated that our treatment of the allegor would result in whistleblowers not raising issues with the NRC for fear of being treated like the allegor. He also stated that if we were unable to substantiate a discrimination case as strong as the allegor's, we would never substantiate any discrimination case short of having a confession.

*X* Dave *X* asked whether or not the case was considered closed for the purpose of FOIA, to which, I responded that it was. I expect that we will receive a FOIA request in the near future.

Eugene W. Cobey, Chief  
 Projects Branch 3  
 Division of Reactor Projects  
 (610) 337-5171

>>> David Vito 04/05/05 02:39PM >>>  
 - SENSITIVE ALLEGATION INFORMATION -  
 - PROTECT ACCORDINGLY -

Randy Blough and I called the allegor around 10:00 a.m. this morning. [Throughout the call, on several oppcassions, Randy emphasized the SCWE findings and her contributions to us in that area, and thanked her for providing the info.]

I introduced the call, and Randy and I spent some time discussing the logistics for getting out the letters to her and the licensee. We also discussed the FOIA process (and I have gotten back to her on a question she asked). She gave every indication that she will request all related information under FOIA.

Randy then took over to discuss the results of the [redacted] and discrimination investigations (she had asked that he do so in a previous e-mail to him). She permitted Randy to discuss the results of both cases (for about 15 minutes) before commenting. She did not comment about the results of the [redacted]

The bulk of her comments about the results of the discrimination investigation dealt with that aspect involving the moving up of her departure date (from mid-April 2003 back to late-March 2003). She questioned why we chose to believe [redacted] and the corporate Human Resources people [redacted] as to the reason her date was moved up vs [redacted] who told her that [redacted] had directed the date to be moved up, and [redacted] who told her "they're out to get you." She believes that the HR Corporate people and [redacted] concocted this story (so that [redacted] wouldn't look like the bad guy), when she knows that there was no plan to accelerate her departure until after she spoke with (and taped) [redacted]

*7C*

She does not agree with the NRC's conclusion on the discrimination issue and wanted to know how to appeal it. We described the investigatory process, and noted that our decision was only reached after considerable effort in gathering the gathering of much evidence, including interviews with many people, and evaluating the available information to come to the most reasonable conclusion. Notwithstanding, we told

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 FOIA- 2005-194

*5-62*

her that she could submit whatever additional information she thinks we might need to evaluate in order to possibly reconsider our conclusion, and that we would evaluate that information to determine if further action was appropriate. We also suggested that she review what was developed during our investigation, in considering her next actions.

Lastly she asked why were we not taking action against [REDACTED] and mentioned his "the operator's don't know S\_\_ from Shinola" comment. Randy commented that while this was an unfortunate comment, and fed into the SCWE problems at the site, it was not a wrongdoing matter. Randy and I tried on a couple of occasions to describe what could constitute a potential wrongdoing matter, and why this situation did not apply, but she was not receptive. She offered that (paraphrasing)... "maybe the NRC will think differently after I put the tapes on the Internet." She added that she wished we had told her (that [REDACTED] comments were not wrongdoing) before she got into this. 7c

As we have done in the past, Randy offered her an opportunity to come in to talk about things face-to-face, after she has had a chance to digest everything.

CC: Leanne Harrison; Sharon Johnson

**Mail Envelope Properties (4252F29B.235 : 21 : 35038)**

**Subject:** Re: Phone call to RI-2003-A-0110 allegor - providing investigation results  
**Creation Date:** 4/5/05 4:18PM  
**From:** Eugene Cobey  
**Created By:** EWC@nrc.gov

**Recipients**

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BEH (Brian Holian)

DJH (Daniel Holody)

DJV (David Vito)

DPS (Diane Screnci)

EPW (Ernest Wilson)

JAT (Jeffrey Teator)

JSW4 (Joel Wiebe)

JTW1 (James Wiggins)

KLF (Karl Farrar)

LMH1 CC (Leanne Harrison)

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