



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

August 1, 2002




7C

SUBJECT: ALLEGATION NO. RIII-02-A-0114

Dear 

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This letter refers to your phone message at the Kewanee Resident Inspector's Office on July 2, 2002, and conversations with Terry Madeda on July 3, 2002, Paul Krohn on July 11, 2002, Jim Gavula on July 14, 2002, and me on July 15, 2002. During these communications you expressed concerns about activities at the Kewanee Nuclear Power Plant. You are concerned that: (1) several individuals were unjustly accused that they failed to report the smell of alcohol on an individual;  (3) a supervisor lied to a licensee's investigator about being told about the smell of alcohol on an individual; and (4) you were subject of discrimination when you were not rehired after providing information to the licensee's investigator about the smell of alcohol on an individual. Enclosure 1 to this letter documents your concerns as we understand them. If we have misunderstood or mischaracterized your concerns as described in the enclosure, please contact one of the Region III Office Allegation Coordinators at the address provided below.

outside of scope

Enclosure 2 to this letter is the NRC brochure, "Reporting Safety Concerns to the NRC." The brochure contains information that you may find helpful in understanding our process for review of safety concerns. It includes an important discussion of the NRC's identity protection procedures and limitations at pages 5-7. If you have previously raised these issues to the licensee, there is also the possibility that the licensee may be able to determine who raised the issues to the NRC. Please be aware that if you have been identified as having brought the concern to the NRC under any of the six circumstances described on page 6 of the Identity Protection Limitations section of the enclosed NRC brochure, we will not be able to protect your identity. I discussed our identity protection program with you on July 15, 2002. You indicated that you (1) did not object to having your identity released related to concern 1, and (2) during a July 25, 2002, conversation with Andrea Kock, you indicated that you did not object to having the concerns referred to the licensee. Concern 2 will be referred to the licensee. When we refer concern 2 to the licensee we will not reveal your name as the source of the concern. We will evaluate the licensee's assessment and inform you of our conclusions.

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For concern 1, we were already aware of and are investigating this issue. I will provide you the results of our investigation for concern 1 when our review is complete. Our review of concern 3 continues. When we determine how we will evaluate this concern, I will provide you that information.

Concern 4 involves your belief that you were the subject of employment discrimination. We do not investigate all allegations of discrimination and are currently evaluating the information you provided. If we investigate your claim of discrimination we will disclose your name during the investigation. Furthermore, the NRC's evaluation of your claim of employment discrimination may take up to 18 months to complete. **If you do not want us to release your name during an investigation of concern 4, then please contact me or Andrea Kock at the telephone number provided below.**

Since you believe you were the subject of employment discrimination, you have **180 days** from the date of the alleged discriminatory act or the date you received any written notice of an adverse personnel action (e.g., layoff or suspension), whichever occurred first, in which to file a written complaint with the U.S. Department of Labor (DOL) under Section 211 of the Energy Reorganization Act. You will need to file your written complaint at the following address:

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street, Rm. 3244
Chicago, Illinois 60604
Telephone: (312) 353-2220

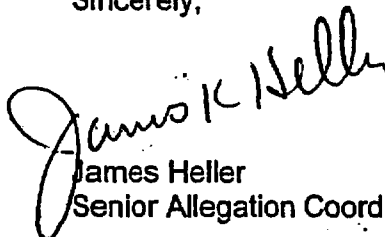
If you file with the DOL, please provide us with a copy of the complaint.

The NRC and DOL have differing responsibilities when evaluating employment discrimination. While the DOL can order personal remedies such as reinstatement of your job, back pay, and reverse disciplinary action, the NRC **does not** have that authority. The NRC may conduct an independent investigation, in parallel with the DOL investigation, to determine if discrimination occurred. Additionally, the NRC will review the final decision of the DOL. If the NRC concludes discrimination occurred, the NRC will determine if enforcement action against the licensee is warranted.

Thank you for notifying us of your concerns. We will advise you when we have completed our review of these matters. If you have any questions, please contact Andrea Kock or me by writing to the U.S. Nuclear Regulatory Commission, Region III, at 801 Warrenville Road, Suite 255, Lisle, Illinois 60532-4351, or calling the NRC Region III switchboard toll free at

(800) 522-3025. My E-mail address is JKH@nrc.gov and Mrs. Kock's E-mail address is ALK@nrc.gov. If you E-mail us, please send the information to both E-mail addresses. Your cooperation is appreciated.

Sincerely,


James Heller
Senior Allegation Coordinator

- Enclosures: 1. Summary of Concerns
2. NUREG/BR-0240, "Reporting Safety Concerns to the NRC"

cc w/enclosure 1: AMS File No. RIII-02-A-0114

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

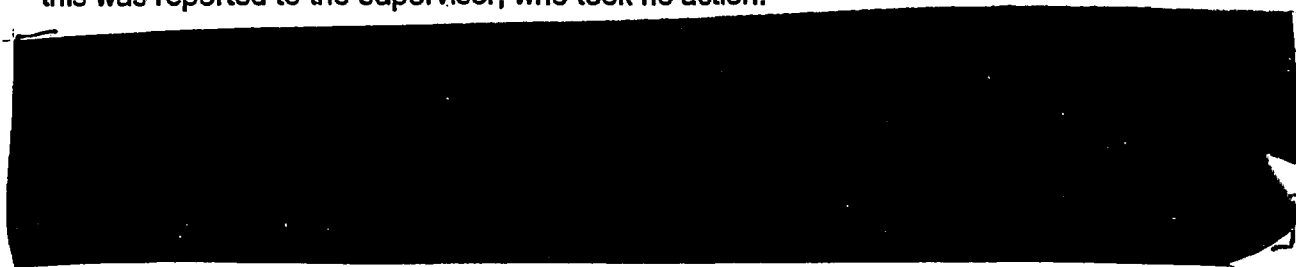
ENCLOSURE 1

AMS File No. RIII-02-A-0114

Our current understanding of your concerns are summarized below. If you have any additional or clarifying information related to these concerns, please contact one of the Region III Office Allegation Coordinators at the address provided in the letter.

Concern 1:

You are concerned that several craft employees were being unjustly accused that they failed to report the smell of alcohol on an individual during the steam generator project. You stated that this was reported to the supervisor, who took no action.



outside
scope

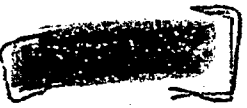
Concern 3

You are concerned that a supervisor lied to a licensee investigator about being told by you and several other employee about the smell of alcohol on an individual.

Concern 4

You are concerned that you are the subject of discrimination by not being rehired after providing information to the licensee's investigator about the smell of alcohol on an individual.

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(800) 522-3025. My E-mail address is JKH@nrc.gov and Mrs. Kock's E-mail address is ALK@nrc.gov. If you E-mail us, please send the information to both E-mail addresses. Your cooperation is appreciated.

Sincerely,

James Heller
Senior Allegation Coordinator

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***SEE PREVIOUS CONCURRENCE**

DOCUMENT NAME: G:\EICS\AMS-LTRS\0200114\02-a-114.ack

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