



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

February 29, 2008

(b)(7)c

SUBJECT: EARLY ADR PROCESS - ALLEGATION RIV-2007-A-0093

Dear

(b)(7)c

This letter refers to your December 12 and 13, 2007, telephone conversations with Mr. Harry Freeman, Senior Allegation Coordinator, in which you voiced your displeasure that the NRC had closed Allegation RIV-2007-A-0093 and would not be pursuing an investigation into your discrimination complaint against the Callaway licensee. You indicated that your attorney had advised you that your agreement to settle your complaint with AmerenUE outside of the NRC's Early Alternative Dispute Resolution (ADR) process would only settle your Department of Labor complaint but that the NRC would still review your complaint. You stated that had you known that the NRC would not investigate your complaint, you would not have settled with the licensee.

As described initially in the September 21, 2007, letter from Mr. James K. Heller, and in the December 7, 2007, letter from Mr. Freeman closing your allegation case file, the NRC's policy regarding ADR is such that if the parties agree to mediate a discrimination complaint and reach settlement through that process [whether through ADR or through some other process], the NRC will not initiate an investigation into the complaint. This policy and your concern about its impact, was brought to the attention of the NRC's Office of Enforcement which has responsibility for the ADR policy guidelines. We understand that you had an opportunity to discuss your concerns with Ms. Lisamarie L. Jarriel, Agency Allegation Advisor, Office of Enforcement. You advised Ms. Jarriel that you were concerned about the effects ADR had on the safety conscious work environment (SCWE) at Callaway.

Ms. Jarriel informed you of NRC actions to assess the SCWE at Callaway, particularly as part of the recent problem identification and resolution (PI&R) inspection. You spoke to Messrs. Gregory Pick, the PI&R team leader, Richard Deese, a Senior Project Engineer, and Mr. Freeman, about SCWE issues on February 7, 2008.

NRC Region IV Allegation Review Board reviewed the circumstances of your case and determined that, based upon current policy, no additional actions to investigate your discrimination complaint were authorized. Therefore, this allegation case will remain closed. Please be assured, however, that the NRC will continue its oversight responsibility to assess the licensee's SCWE, including any impact that ADR could have on the workforce's willingness to raise concerns at Callaway.

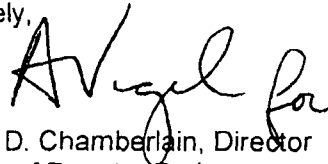
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Exemptions 2C
FOIAPA 2009-0092

c/s

Should you have any questions or wish to discuss the ADR process further, I suggest that you contact Ms. Jarriel at 301-415-8529 or Mr. Russell Arrighi, the ADR program lead, at 301-415-0205 in our program office.

Sincerely,

A handwritten signature in black ink, appearing to read "AVigel for". The signature is written in a cursive, flowing style.

Dwight D. Chamberlain, Director
Division of Reactor Projects

RIV-2007-A-0093

bcc:
Allegation File

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☐ C.O.D.
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10. PS Form 3811, February 2004

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 Response After Closure Letter.doc

OFFICE	RIV:SAC	RC/TL	AAA	C:RPBB	D:DRP
NAME	HAFreeman	KDFuller	LLJarriel	VGGaddy	DDCamberlain
	/RA/	/RA/	/Email/	/RA/	
DATE	02/23/2008	02/26/2008	02/28/2008	02/27/2008	02/27/2008

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RIV-2007-A-0093

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OFFICE	RIV:SAC	RC/TL	AAA	C:RPBB	D:DRP
NAME	HAFreeman	KDFuller	LLJarriel	VGGaddy	DDChamberlain
	<i>ms</i>	<i>KD</i>		<i>vbb</i>	<i>DD</i>
DATE	02/23/2008	1/13/2008	1/1/2008	2/27/2008	2/27/2008

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