

## Callaway Discrimination Concerns (2002-Present)

OI rpt No. 4-2002-032 substantiated: N

RIV-2002-A-0098

Received 8/12/2002 Closed 8/21/2003

You were subjected to employment discrimination, (b)(7)(C) on two occasions, because of your discussions with the NRC regarding (b)(7)(C) and for reporting safety concerns to your employer in 2002. You believe that you were the (b)(7)(C) (b)(7)(C)

### Closure Basis

The NRC Office of Investigations (OI) conducted an investigation regarding your complaint of alleged employment discrimination for reporting safety concerns to the NRC. Based on a review of the testimony and documentary evidence, OI did not find sufficient evidence to support your complaint of employment discrimination as alleged. The OI conclusion has been reviewed by the NRC staff which determined that further investigation was not warranted.

OI rpt No. 4-2003-027 substantiated: N

RIV-2003-A-0052

Received 4/28/2003 Closed 4/30/2004

Individual alleges the licensee has fostered a hostile work environment in retaliation for his having filed a DOL complaint (b)(7)(C). In addition, the individual believes that a chilling effect exists at Callaway as a result of how he was treated and what management is telling others in the (b)(7)(C) about his pending DOL complaint (b)(7)(C).

### Closure Basis

OI conducted an investigation regarding your complaint of alleged employment discrimination for reporting safety concerns to the NRC and subsequently filing a DOL complaint. Based on a review of the testimony and documentary evidence, OI did not find sufficient evidence to support your complaint of employment discrimination as alleged. The OI conclusion has been reviewed by the NRC staff, and it was determined that further investigation was not warranted.

This concern was not substantiated.

OI rpt No. 4-2005-017 substantiated: N/A

RIV-2005-A-0026

Received 2/22/2005 Closed 7/12/2005

You believe that the reason you were not (b)(7)(C) (b)(7)(C) was because you were at odds (on numerous occasions) with the (b)(7)(C) (b)(7)(C) over his apparent disregard for following procedures. The individual who was ultimately selected as the (b)(7)(C) was a close friend of the (b)(7)(C) (b)(7)(C) and he subsequently demanded that you accept (b)(7)(C) (b)(7)(C)

### Closure Basis

The licensee and allegor reached a mutually agreeable settlement under early ADR. The settlement agreement was reviewed and approved by OGC.

Monday, November 23, 2009

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Information in this record was deleted in  
accordance with the Freedom of Information Act.  
Exemptions 26  
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OI rpt No. 4-2006-001 substantiated: N

RIV-2005-A-0099

Received 8/23/2005 Closed 7/24/2006

Your employment was (b)(7)(C).  
(b)(7)(C) You believe that the (b)(7)(C) taken was disproportionate because  
you have a history of questioning the (b)(7)(C).  
(b)(7)(C) You stated that the (b)(7)(C) was  
disproportionate with the (b)(7)(C) taken for other individuals with similar offenses.

#### Closure Basis

The NRC's Office of Investigations (OI) initiated an investigation on October 18, 2005, to determine if you had been subjected to employment discrimination for having raised nuclear safety concerns. Based upon the evidence developed during the investigation, OI did not substantiate that you had been subjected to employment discrimination for having raised nuclear safety concerns.

Testimony and documentary evidence gathered during the NRC investigation determined that AmerenUE Headquarters personnel located in St. Louis, Missouri, conducted an investigation, independent of Callaway management, about a (b)(7)(C) was detected by Headquarters personnel. The Headquarters personnel who initiated the investigation were unaware that you had raised nuclear safety concerns. The AmerenUE Headquarters investigation found that you had (b)(7)(C).  
(b)(7)(C)

During the investigation, you testified that you had raised nuclear safety concerns on three occasions regarding (b)(7)(C) to Callaway Plant management. These manager/supervisors were not involved in the decision to initiate a Headquarters investigation into (b)(7)(C) nor were they involved in the decision to (b)(7)(C).

Testimonial and documentary evidence revealed that you (b)(7)(C).  
(b)(7)(C)

OI rpt No. substantiated: N/A

RIV-2005-A-0102

Received 8/29/2005 Closed 5/15/2006

You believe that your former employer (Wackenhut) has been looking for (b)(7)(C).  
(b)(7)(C) ever since you filed a harassment and intimidation complaint in 2002. You believe that the improper handling of a (b)(7)(C) is indicative of their intentions. (b)(7)(C) You (b)(7)(C) after you filed an employee concern regarding the handling of the investigation. You had been (b)(7)(C) and have not been provided any information concerning the status of your employment. You have since received (b)(7)(C).  
(b)(7)(C)

#### Closure Basis

We understand that you were able to reach an agreement with your former employer to resolve your discrimination complaint through the use of alternative dispute resolution. Your agreement was reviewed by the Office of the General Counsel and found acceptable; therefore, no further NRC action will be taken to address this complaint.

OI rpt No.

substantiated: N/A

RIV-2005-A-0147

Received 11/15/2005

Closed

7/5/2006

You were subjected to employment discrimination because you raised a concern that a (b)(7)(C)  
(b)(7)(C) You also raised a series of concerns (b)(7)(C)  
(b)(7)(C) which you believed that you were hired to correct. In the  
context of observing the handling of (b)(7)(C)  
(b)(7)(C)  
(b)(7)(C) Your actions in raising  
these observations and concerns to your supervisor resulted in advising you that (b)(7)(C)  
(b)(7)(C)  
(b)(7)(C) (b)(7)(C)  
(b)(7)(C)  
(b)(7)(C) You believe that the allegations against you were trumped up as  
part of a (b)(7)(C) and that (b)(7)(C)  
(b)(7)(C) You believe (b)(7)(C) is a result of your raising  
concerns about Xxx's actions, filing an ECP concern, contacting the NRC about the situation,  
and hiring a lawyer to advise and defend you in connection with the internal charges against you.

#### Closure Basis

The allegor was able to reach an agreement with his/her former employer to resolve the discrimination complaint through the use of alternative dispute resolution. The agreement was reviewed by the Office of the General Counsel and found acceptable; therefore, no further NRC action will be taken to address this complaint.

OI rpt No.

4-2006-035

substantiated: N

RIV-2006-A-0033

Received 4/13/2006

Closed

4/7/2009

You were subjected to retaliation for reporting the (b)(7)(C) to the Employee  
Concerns Program in that you did not (b)(7)(C)  
(b)(7)(C)

#### Closure Basis

OI initiated a separate investigation to determine whether you were subjected to employment discrimination by AmerenUE for raising safety concerns. The investigator interviewed various people and reviewed documentary evidence which showed that Callaway managers were challenged to (b)(7)(C)  
(b)(7)(C) (b)(7)(C)  
(b)(7)(C) (b)(7)(C)  
(b)(7)(C) (b)(7)(C) Your supervisor stated that while he  
was aware of a report that an (b)(7)(C) he was not aware that you  
had raised the concern.

The investigator also reviewed documentary evidence concerning the AmerenUE (b)(7)(C)  
(b)(7)(C)

Based on the evidence developed during the investigation, your concern of discrimination for raising safety concerns was not substantiated.

*OI rpt No.*

*substantiated: N/A*

**RIV-2006-A-0126**

*Received* 12/1/2006 *Closed* 10/16/2007

In June 2006, plant management (b)(7)(C) as retaliation for raising a safety concern pertaining to the (b)(7)(C)

***Closure Basis***

Settlement Agreement Signed. - This refers to my (b)(7)(C) letter which advised you that the NRC's Office of the General Counsel (OGC) would review the agreement you reached with AmerenUE on (b)(7)(C) regarding your complaint of employment discrimination for having raised safety concerns. OGC completed its review of the agreement and had no legal objections to the settlement. Therefore, this allegation case is being closed with no further actions.

*OI rpt No.* 4-2007-028 *substantiated: N*

**RIV-2007-A-0009**

*Received* 1/23/2007 *Closed* 12/14/2007

You were subjected to employment discrimination, in the form of (b)(7)(C) at least in part for raising nuclear safety concerns related to the inspection and testing (b)(7)(C) (b)(7)(C)

***Closure Basis***

The NRC Office of Investigations (OI) has completed its investigation into your discrimination concern. Based on a review of the OI investigation and all other pertinent information, the NRC could not substantiate that your employment termination was a result of you having engaged in a protected activity (such as raising safety concerns).

Callaway management acknowledged that you did raise a safety concern (b)(7)(C) (b)(7)(C) (b)(7)(C) As for your claims you received (b)(7)(C) (b)(7)(C)

OI determined that you did receive (b)(7)(C) (b)(7)(C) (b)(7)(C) According to Callaway management, Callaway had been a poor performing plant and it was felt the (b)(7)(C) (b)(7)(C) The process had a significant impact on many Callaway employees and resulted in (b)(7)(C) (b)(7)(C) Although you did (b)(7)(C) (b)(7)(C)

Your being (b)(7)(C) and not a result of your raising nuclear safety concerns related to the inspection and testing (b)(7)(C) (b)(7)(C) (b)(7)(C)

There is neither testimonial nor documentary evidence to support your assertion that (b)(7)(C) as a result of you having raised nuclear safety concerns related to the inspection and testing (b)(7)(C)

This concern could not be substantiated.

OI rpt No. 4-2007-040 substantiated: N

RIV-2007-A-0022

Received 2/9/2007 Closed 4/10/2008

You were subjected to employment discrimination for having raised safety concerns related to the (b)(7)(C). You raised your concerns to successive supervisors and finally to the (b)(7)(C) Department. Your (b)(7)(C) after reporting your issues to (b)(7)(C) and your (b)(7)(C) (b)(7)(C).

#### Closure Basis

The NRC's Office of Investigations, Region IV Field Office launched an investigation into whether you had been subjected to employment discrimination for having raised safety concerns on June 26, 2007. When mediation efforts failed to reach a mutual settlement. In summary, the investigation was not able to substantiate that you had raised nuclear safety concerns that management was aware of those concerns, or that (b)(7)(C) (b)(7)(C).

This concern was not substantiated.

From May 2005 through December 2006, you claimed to have informed XXXX, YYYYY, ZZZZ, and possibly LLLL that the (b)(7)(C) were not being followed, i.e. (b)(7)(C) (b)(7)(C). Interviews with these individuals failed to support that you had raised nuclear safety concerns or that you had identified that (b)(7)(C) (b)(7)(C). You were unable to provide evidence or documentation to support that you had raised nuclear safety concerns.

(b)(7)(C) provided testimony regarding the biennial (b)(7)(C) (b)(7)(C). XXXX testified that prior to the (b)(7)(C) you had not raised concerns to his attention nor had you requested an (b)(7)(C) of the program.

XXXX testified that as far as he knew, this was the (b)(7)(C) has ever concluded that they had not effectively (b)(7)(C).

Although you were the (b)(7)(C) (b)(7)(C) the investigation found that Callaway supervisors are allowed the leeway to counsel/coach employees either verbally or in writing at any time. The investigation found that while rare (b)(7)(C) (b)(7)(C).

The licensee testified that your (b)(7)(C) (b)(7)(C). When confronted with this issue, you indicated that it was a mistake and that you had lost (b)(7)(C). However, the (b)(7)(C) (b)(7)(C).

OI rpt No. substantiated: N/A

RIV-2007-A-0028

Received 3/2/2007 Closed 8/8/2007

You were subjected to employment discrimination, in the form of having (b)(7)(C) (b)(7)(C) for having raised and pursued resolution of an issue involving the (b)(7)(C) (b)(7)(C).

#### Closure Basis

The alleged's letter dated (b)(7)(C) stated that the alleged would prefer that the NRC take no action at this time. This concern is closed.

OI rpt No.

substantiated: N/A

RIV-2007-A-0057

Received 4/18/2007

Closed

5/10/2007

You believe that your employment as a (b)(7)(C)  
(b)(7)(C) because you raised safety concerns regarding (b)(7)(C)  
(b)(7)(C)

**Closure Basis**

Based upon the specific details of this case, the NRC staff concluded that you did not suffer a materially adverse action, harmful to the point that could well dissuade a reasonable worker from making or supporting a charge of discrimination, because the licensee promptly (b)(7)(C)  
(b)(7)(C) No further NRC action will be taken to address this concern.

OI rpt No.

4-2007-041

substantiated: N/A

RIV-2007-A-0077

Received 6/4/2007

Closed

2/6/2008

The alleged filed a DOL complaint claiming that he was subjected to employment (b)(7)(C)  
(b)(7)(C) This was submitted in response to the (b)(7)(C)  
(b)(7)(C) in which the NRC determined that the alleged did not suffer a materially adverse action, harmful to the point that could well dissuade a reasonable worker from making or supporting a charge of discrimination, because the licensee promptly (b)(7)(C)  
(b)(7)(C)

**Closure Basis**

The alleged settled complaint outside of the NRC's process, before the NRC could formally offer ADR.

OI rpt No.

4-2008-044

substantiated: N

RIV-2007-A-0092

Received 8/17/2007

Closed

5/26/2009

You were subjected to employment discrimination (b)(7)(C)  
(b)(7)(C) You believe this is blatant retaliation for  
filing employee concerns.

**Closure Basis**

The NRC's Office of Investigations (OI) reviewed this concern during an investigation documented as OI Report No. 4-2008-044. Based on the evidence developed during the investigation, testimony, and documents reviewed, the allegation that you were subjected to employment discrimination for raising safety concerns was not substantiated. Your technical concerns were addressed by the NRC in letters dated February 21, 2008, and September 16, 2008.

OI rpt No. 4-2008-004 substantiated: N/A

RIV-2007-A-0093

Received 8/22/2007 Closed 12/7/2007

You are concerned that you were the subject of discrimination for raising safety issues as demonstrated by the fact that (b)(7)(C)

(b)(7)(C)

You stated that examples of the issues you raised included (b)(7)(C)

(b)(7)(C)

You also indicated that during the (b)(7)(C)

(b)(7)(C)

the vice president stated during the meeting that he did not appreciate the condition report. After the planning meeting a supervisor informed you that the plant manager had instructed him to assign you more work. You believed this action was done to ensure that you not have time write to more condition reports.

#### Closure Basis

On November 6, the Director, OI Field Office, Region IV, and I spoke with one of your attorneys and we agreed that the NRC would delay initiating an investigation since you were attempting to negotiate an agreement outside of the NRC's ADR process. On

(b)(7)(C) you and your attorneys did reach a settlement agreement with AmerenUE. The settlement was reviewed by The NRC's Office of General Counsel for restrictive agreements and found acceptable. Although the settlement was reached outside of the NRC's ADR process, we can accept such settlements in lieu of an OI investigation per NRC policy. I've included a copy of SECY-04-0044 that describes the NRC's policy. On

(b)(7)(C) the NRC accepted your settlement agreement in lieu of an investigation and determined that your discrimination complaint (Concern 1) would be closed with no further action.

OI rpt No. substantiated: N/A

RIV-2007-A-0096

Received 9/27/2007 Closed

The allegor asserts that Xxxxx, his supervisor, made him

(b)(7)(C) in retaliation for pursuing the facts of the (b)(7)(C)

#### Closure Basis

On July 20, 2008, the NRC provided you a letter from the Director Office of Enforcement, describing the NRC's actions and bases for those actions regarding your discrimination concern. The NRC did not review this concern because it is an example of an alleged adverse action taken by the licensee in retaliation for having engaged in a protected activity. As previously discussed with you, the NRC's Office of Investigations was prepared to investigate this and other discriminatory concerns that you had made and was working through your attorney to schedule an interview. However, in (b)(7)(C) the NRC learned of your settlement agreement with the licensee and the investigation was not conducted. As the Director, Division of Reactor Projects, advised in his February 29, 2008, letter, the NRC's policy regarding alternate dispute resolution is such that if the parties agree to mediate a discrimination complaint and reach settlement through that process, the NRC will not initiate an investigation into the complaint. Since you and your attorney reached a settlement agreement with the licensee on (b)(7)(C)

(b)(7)(C) no further action was taken regarding this concern.

*OI rpt No.* 4-2008-46F *substantiated:* N/A

**RIV-2008-A-0028**

*Received* 2/22/2008

*Closed* 10/23/2008

You were subjected to employment discrimination for having self-reported (b)(7)(C)  
(b)(7)(C)

***Closure Basis***

Based upon discussions with the NRC Office of General Counsel, the Region IV Allegation Review Board requested an Office of Investigations assist to determine whether the licensee's (b)(7)(C)

(b)(7)(C) and/or whether the licensee had valid justification for (b)(7)(C)

Based upon the (b)(7)(C)  
(b)(7)(C)

The licensee believed that the nature of the (b)(7)(C) was such that it would be essentially impossible to do the type of (b)(7)(C)

(b)(7)(C) The licensee considered whether you could come back in other roles (b)(7)(C)  
(b)(7)(C)

The NRC concluded that the licensee had a valid justification for not (b)(7)(C)

(b)(7)(C) The NRC plans to take no further action on this concern and considers this item closed.