



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

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August 28, 2008

MEMORANDUM TO: Elmo E. Collins, Regional Administrator
Region IV

FROM: Crystal D. Holland, Director ^{FOR} *WHM*
Office of Investigations Field Office, Region IV

SUBJECT: COLUMBIA GENERATING STATION: ASSIST TO STAFF –
INTERVIEW ALLEGER TO OBTAIN CLARIFYING INFORMATION
REGARDING DISCRIMINATION BY A LICENSEE FOR
REPORTING HEALTH AND SAFETY CONCERNS
(CASE NO. 4-2008-048F/RIV-2008-A-0069/RII-2008-A-0086)

On June 2, 2008, the Nuclear Regulatory Commission's (NRC) Allegation Review Board (ARB), Region IV (RIV), Arlington, Texas, convened to review and discuss a complaint of discrimination filed by (b)(7)(C) through his legal counsel (b)(7)(C) Government Accountability Project, Washington, D.C. A copy of (b)(7)(C) complaint, filed with the Department of Labor (DOL), (b)(7)(C) was forwarded by DOL to NRC:RIV by letter dated April 25, 2008 (Exhibit 1). In the complaint filed with DOL, (b)(7)(C) alleged that he had been subjected to employment discrimination by Energy Northwest's Columbia Generating Station (CGS) because of his reputation as a "whistleblower" and for engaging in protected activities.

A review of the DOL complaint disclosed that (b)(7)(C) claimed his protected activities began when he reported numerous health and safety concerns to the Department of Energy (DOE) while he was employed as a (b)(7)(C) for Fluor Hanford, Incorporated (FHI), Richland, Washington. FHI is a contractor for the DOE at the Spent Nuclear Fuels Project Hanford site. Specifically (b)(7)(C) reported that he was terminated by FHI in 2003 for raising nuclear concerns, a protected activity under the Energy Reorganization Act, and subsequent to his termination from FHI, he has not been able to secure employment in the nuclear industry.

In the DOL complaint (b)(7)(C) stated that he had applied for at least 21 job postings at CGS during the period of 2004 through 2008 but was not employed because he had disclosed a "wrongful discharge for raising health and safety concerns" on his job applications to CGS. Details of (b)(7)(C) submission of job applications to CGS are outlined in paragraphs 41-63 in his DOL complaint (Exhibit 1, pp. 7-10).

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5 On May 29, 2008, the Office of General Counsel advised (b)(5)
(b)(5)

7c Subsequently, the ARB requested that the Office of Investigations (OI), RIV, conduct an interview of (b)(7)(C) to obtain clarifying information regarding his nuclear safety concerns and allegation of employment discrimination by CGS for disclosing that he had been terminated from FHI for reporting health and safety concerns. The point of contact for the CGS Employee Concerns Program (ECP) is (b)(7)(C). It was also requested that OI:RIV obtain copies of documents related to (b)(7)(C) applications for jobs at CGS and identify management personnel who may have knowledge about his concerns or interacted with (b)(7)(C) during his job application process at CGS.

On June 5, 2008, Robert Rzepka, Acting Field Office Director, OI, Region II (RII), notified OI:RIV that the ARB:RII had reviewed (b)(7)(C) DOL complaint [Allegation No. RII-2008-A-0086] and identified similar concerns raised by (b)(7)(C) regarding his nonselection for jobs at Areva NP, Incorporated (ANP), Lynchburg, Virginia. ANP produces nuclear fuel pellets for use by Energy Northwest. Details of (b)(7)(C) submission of job applications to ANP are outlined in his DOL complaint in paragraphs 64 through 69 (Exhibit 1, pp. 10-11). The ARB:RII requested that the RII concerns be consolidated with the RIV's Assist to Staff [RIV-2008-A-0069] for efficiency and the results of (b)(7)(C) interview shared with the ARB:RII. A copy of the RII ARB Summary was forwarded to OI:RIV for inclusion in the case file.

On August 15, 2008, OI:RIV interviewed (b)(7)(C) in Pasco, Washington. A transcript of interview with (b)(7)(C) was obtained (Exhibit 2). (b)(7)(C) provided details pertaining to his disclosure to CGS regarding his termination by FHI for disclosing nuclear safety concerns (Exhibit 2, pp. 13-67). (b)(7)(C) provided amplifying information pertaining to his disclosures to ANP (Exhibit 2, pp. 68-110). During his interview, (b)(7)(C) referred to the specific disclosure made to CGS on a job application, a copy of which was obtained from (b)(7)(C) (Exhibit 6). (b)(7)(C) provided a current copy of his resume (Exhibit 3).

OI:RIV obtained identifying and contact information of pertinent CGS management personnel (Exhibit 4). (b)(7)(C) provided a complete package of documentation related to (b)(7)(C) applications for jobs at CGS, to include CGS's response to the DOL, dated May 27, 2008 (Exhibit 5).

No further action was required by OI:RIV; therefore this assist to NRC staff is hereby closed. Should RIV staff determine evidence of employment discrimination against (b)(7)(C) by CGS, OI:RIV will consider initiating an investigation.

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Enclosures: Exhibits 1-5

cc w/enclosure:
C. Carpenter, OE

cc w/o enclosure:
C. Marco, OGC
E. Leeds, NRR (Attn: G. Cwalina, OAC, NRR)
L. Reyes, ORA, Region II
R. Rzepka, OI:RII

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OFFICE	OI:RIV	OI:RIV		
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DATE	08/28/2008	08/28/2008		

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