

From: Karla Fuller
To: Tony Gody
Date: 8/8/2007 5:48:04 PM
Subject: SENSITIVE ALLEGATION MATERIAL, Re: Documentation of conversation.....

Tony,

I just spoke with Lisamarie Jarriel, Agency Allegation Advisor, regarding this issue.

She agrees with me that if we obtain permission in **writing via e-mail or signed document** from the individual that they have no problem with us discussing their issues with (b)(7)(C) then that should be sufficient. Perhaps you could speak with the individual first, get their agreement orally, and ask them to follow it up with an e-mail or signed document. We should place this document in the file.

I will be out of the office Thursday and Friday. If you need further assistance, please contact Harry tomorrow, or call me on my NRC cell phone at (b)(7)(C)

Thanks
Karla

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NOTE: ATTORNEY CLIENT PRIVILEGE/
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DETERMINES OTHERWISE

>>> Tony Gody 08/08/2007 4:35:09 PM >>>

I am writing this e-mail to document a voice mail message left by and a conversation I held with (b)(7)(C) of the (b)(7)(C) on August 7, 2007.

Voice Message Summary

After completing the Palo Verde mid-cycle review on August 7, 2007, I returned to my office and checked voice mails. (b)(7)(C) had left a message on my office telephone. (b)(7)(C) indicated that he had been contacted by a Region IV allegor (I have name) who was upset that he had not recieved the documents he requested from the NRC under the Freedom Of Information Act despite the fact that the NRC cashed his check. (b)(7)(C) explained that the allegor had raised concerns to Region IV about a (b)(7)(C) at the Callaway facility who was allegedly sleeping on watch and that he had raised the issue with station management. (b)(7)(C) further indicated that the allegor had been subjected to discrimination because he raised this issue. (b)(7)(C) further indicated that the allegor had provided a copy of the letter (from H. Freeman) dated April 16, 2007, and indicated his dissatisfaction with the conclusion of the investigation conducted by the NRC Office of Investigations. (b)(7)(C) further indicated that he was not sure what he was going to do about this and that his options ranged from contacting Congress to asking the NRC Office of the Inspector General look into the case. (b)(7)(C) also stated that he would be handling this issue as part of the (b)(7)(C). (b)(7)(C) Lastly (b)(7)(C) indicated that he had called me because my name was on some documentation that he recieved from the allegor and he knew me.

Discussions with Mr. Harry Freeman, ACES and Ms. Mary Jean Pool, HQ

I contacted Mr. Harry Freeman to discuss the voice mail. Mr. Freeman suggested we contact Ms. Mary

Jean Poole to obtain the status of the FOIA request. Ms. Pool indicated that the FOIA had been boxed up (over 4,000 pages of documents) and is in the latter stages of concurrence but she was not able to put a completion time-frame on the request. Apparently, the FOIA request required several more levels of concurrence before it could be sent to the requestor. One of the longer lead-time concurrences was OGC and she expected OGC to get the package later this week or next week. Mr. Freeman and I gave her a "heads up" that (b)(7)(C) was now inquiring about the status of the FOIA package. Mr. Freeman and I discussed whether the conversation with (b)(7)(C) should be handled in accordance with ROPG 1039 and concluded that no allegation of NRC wrongdoing was made.

Discussion with (b)(7)(C)

I contacted (b)(7)(C) to inform him that I had received his voicemail. (b)(7)(C) reiterated the voicemail and asked if I was familiar with the case. I informed (b)(7)(C) that I could not confirm or deny that the NRC had received or dispositioned any allegation. (b)(7)(C) asked if the alleged signed a release gave permission for (b)(7)(C) to discuss the case with the NRC, would we be able to have a dialog. I indicated that, again, I could not confirm or deny that the NRC had been involved in any allegation with this individual. I did indicate to (b)(7)(C) that if he would like, I would convey his request to the NRC Office of General Counsel and that if approved, we would look forward to a dialog. (b)(7)(C) indicated that he would call me next Monday. We said our goodbyes.....

Discussion with D. Chamberlain

I informed Mr. Chamberlain of the aforementioned conversations. He recommended that I talk with the Regional Counsel.

Discussion with Regional Counsel

Mr. Freeman and I had a discussion with the Regional Counsel on the matter. She informed us that a similar case had occurred within the past year and, in that case, the third party (b)(7)(C) was allowed to be involved. She indicated that she would look into it.

Discussion with Regional Administrator

During a discussion with the Regional Administrator, the Regional Administrator indicated that he wanted the issue to be discussed at the next Allegations Review Board.

CC: Bruce Mallett; Dwight Chamberlain; Harry Freeman; Judith Walker; Lisamarie Jarriel; Pat Gwynn; Roy Caniano