

withhold in - EX 5  
part - LI

**From:** Edward Baker  
**To:** David Vito, Gregory Cwalina  
**Date:** Mon, Nov 6, 2000 11:59 AM  
**Subject:** Re: IP-2 Steam Generator issue and NGEA Petition

Dave/Greg - I talked to Dennis this morning. He agreed with me that the NGEA met the prima facie criteria in their claim of discrimination. They claim that as a result of participating in an NRC proceeding submitting a petition to intervene in the license transfer, they were discriminated against, i.e., the severance package was withdrawn. The public nature of the petition and the temporal proximity of the petition to intervene with the withdraw of the severance package two weeks later, meet the prima facie criteria of knowledge of the licensee and adverse action. How far the investigation goes depends on when the licensees made the decision to withdraw the severance package offer. If they made the decision before the petition, the case has no merit. If they made it after, further investigation will be necessary.

>>> David Vito 11/03 8:47 AM >>>  
Greg,



EX. 5



CC:

Dennis Dambly, James Linville, Nick Hilton, OAC...

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA- 2001-0256

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