

UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

November 2, 1999



[redacted] 7C

SUBJECT: ALLEGATION NO. RIII-99-A-0172

[redacted]

This letter refers to your conversation with Monte Phillips, Acting Branch Chief on October 13, 1999, in which you expressed concerns related to activities at ABB/CE, Hematite, Missouri. You were concerned that the security force may have allowed a ABB Combustion Engineering employee into the plant on August 27, 1999, without the proper escort.

Enclosure 1 to this letter documents your concern as we understand it. We have initiated actions to examine the facts and circumstances surrounding your concern. If we have misunderstood or mischaracterized your concern as described in the enclosure, please contact one of the Region III Office Allegation Coordinators at the address provided below.

An evaluation of your technical concern will normally be conducted within 6 months, although complex issues may take longer. You will be informed of the results of our review. In resolving your concern, the NRC intends to take all reasonable efforts not to disclose your identity. Enclosure 2 to this letter is the NRC brochure, "Reporting Safety Concerns to the NRC." The brochure contains information that you may find helpful in understanding our process for review of safety concerns. It includes an important discussion of the NRC's identity protection procedures and limitations. (Please read pages 5-7.) As stated in the brochure, you are not considered a confidential source unless an explicit request of confidentiality has been formally granted in writing.

The information regarding protecting your identity was discussed with you on October 13, 1999. You indicated that you did not object to having your identity released, and you did not object to having the concern referred to the licensee. Your concern was referred to the licensee. Your identity was not released to the licensee in the referral letter. The NRC will evaluate the licensee's assessment and inform you of our conclusions.

While you have not raised employment discrimination as one of your concerns, if at a later date you believe you are the victim of employment discrimination, you have 180 days from the date of the alleged discriminatory act or the date you received any written notice of an adverse personnel action (e.g., layoff or suspension), whichever occurred first, in which to file a written complaint with the U.S. Department of Labor (DOL) under Section 211 of the Energy Reorganization Act. You will need to file your written complaint at the following address:

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Act, exemptions 7C
FOIA-2004-0234

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U.S. Department of Labor
Occupational Safety and
Health Administration
City Center Square
1100 Main Street, Suite 800
Kansas City, Missouri 64105
Telephone: (816) 426-5861

If you file with the DOL, please provide us with a copy of the complaint.

The NRC and DOL have differing responsibilities when evaluating employment discrimination. While the DOL can order personal remedies such as reinstatement of your job, back pay, and reverse disciplinary action, the NRC does not have that authority. The NRC may conduct an independent investigation, in parallel with the DOL investigation, to determine if discrimination occurred. Additionally, the NRC will review the final decision of the DOL. If the NRC concludes discrimination occurred, the NRC will determine if enforcement action against the licensee is warranted. (Please see pages 8-10 of the brochure.)

Thank you for notifying us of your concern. We will advise you when we have completed our review of this matter. If you have any questions, please contact John Adams or me by writing to the U.S. Nuclear Regulatory Commission, Region III, at 801 Warrenville Road, Suite 255, Lisle, Illinois 60532-4351, or calling the NRC Region III switchboard toll free at (800) 522-3025. Your cooperation is appreciated.

Sincerely,



James Heller
Senior Allegation Coordinator

Enclosures: 1. Summary of Concerns
2. NUREG/BR-0240, "Reporting
Safety Concerns to the NRC"

cc w/enclosure 1: AMS File No. RIII-99-A-0172

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ENCLOSURE 1

AMS File No. RIII-99-A-0172

Our current understanding of your concern is summarized below. If you have any additional or clarifying information related to this concern, please contact one of the Region III Office Allegation Coordinators at the address provided in the letter.

Concern 1:

The security force may have allowed a ABB Combustion Engineering employee into the plant on August 27, 1999, without the proper escort.