



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 14, 2000

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SUBJECT: ALLEGATION NO. RIII-99-A-0210

This letter refers to your November 10, 1999, notification to the Department of Labor in which you expressed concerns related to activities at the ABB Combustion Engineering located in Hematite, MO. You stated that the licensee required you to work in a hazardous area during a labor strike and that the training provided was not adequate to work in the area.

Enclosure 1 to this letter documents your concerns as we understand them. We have initiated actions to examine the facts and circumstances surrounding your concerns. If we have misunderstood or mischaracterized your concerns 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 concerns will normally be conducted within six months, although complex issues may take longer. You will be informed of the results of our review. In resolving your concerns, 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 January 4, 2000, during a telephone conversation with Jim Heller. You stated that you did not object to having your identity released, and you did not object to having the concerns referred to the licensee.

Your concern involves employment discrimination for raising safety concerns. Please be aware that the NRC does not investigate all allegations of discrimination and will determine whether an investigation is warranted in your case. An evaluation without identifying you would be extremely difficult. Therefore, if the NRC does an investigation, you should be aware that in evaluating your claim of discrimination, your name will be disclosed. Furthermore, the NRC's evaluation of your claim of employment discrimination may take up to 18 months to complete. You will be informed of the results of our review.

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

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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 attached brochure, "Reporting Safety Concerns to the NRC"). The NRC may also decide not to do an investigation and await the results of the DOL investigation, which the NRC will monitor. In the meantime, if the matter is settled or concluded in some manner, we request that you inform us and provide copies of any documents you file or receive regarding the discrimination issue.

Thank you for notifying us of your concerns. We will advise you when we have completed our review of these matters. If you have any questions, please contact Andrea Kock 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-0210

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ENCLOSURE 1

AMS File No. RIII-99-A-0210

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

Concern 1:

You claimed that the licensee required you to work in a hazardous area during a labor strike. You stated that the area was contaminated with uranium dust. You informed the licensee that the contamination could effect development of a baby if the baby was conceived while you were working in the area. You stated that you discussed this concern with your supervisor. During this conversation, you asked the supervisor to reassign you to another area. The supervisor gave you the choice of working in the assigned area or leaving.

Concern 2:

You claim that the licensee required you to work in a hazardous area during a labor strike. You stated that the training provided was not adequate to work in the area. You stated that you discussed this concern with your supervisor. During this conversation, you asked the supervisor to reassign you to another area. The supervisor gave you the choice of working in the assigned area or leaving.