

Allegation No.: RI-2002-A-0113  
Site/Facility: Salem/Hope Creek  
ARB Date: 9/04/2002

Branch Chief (AOC): Meyer  
Acknowledged: No  
Confidentiality Granted: No

Issue discussed: Potential violation of 50.7, Employee Protection, in that the alleged was discriminated against for raising a concern through the corrective action process.

Alleger contacted prior to referral to licensee (if applicable)? N/A

**ALLEGATION REVIEW BOARD DECISIONS**

Attendees: Chair - Clifford Branch Chief (AOC) - Meyer SAC - Vito  
OI Rep. - Letts RI Counsel - Fewell Others - Crlenjak, Barkley

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5 & 7C  
FOIA 2004-0191

**DISPOSITION ACTIONS:** (List actions for processing and closure. Note responsible person(s), form of action closure document(s), and estimated completion dates.)

- 1) Acknowledgment letter to the alleger along with his DOL rights.

Responsible Person: SAC  
Closure Documentation: \_\_\_\_\_

ECD: 9/22/2002  
Completed: \_\_\_\_\_

- 2) Regional Counsel determined that (

Responsible Person: Fewell  
Closure Documentation: \_\_\_\_\_

ECD: \_\_\_\_\_  
Completed: 9/4/02

Ex 5  
Attorney Client

- 3) OI to open up a case (1-2002-033) and interview the alleger to gather additional information regarding the discrimination that the individual was subjected to as well as the nature of the protected activity he was engaged in.

Responsible Person: Letts  
Closure Documentation: \_\_\_\_\_

ECD: TBD  
Completed: \_\_\_\_\_

**SAFETY SIGNIFICANCE ASSESSMENT:** The risk significance of this concern appears low to moderate as it is unclear whether the individual was engaged in a protected activity and whether the alleged discrimination actually constituted a clear violation of CFR 50.7 (i.e. position or compensation were not impacted by the temporary suspension of his badge, but the action alone could be considered adverse).

**PRIORITY OF OI INVESTIGATION:** Medium

(Normal)

If potential discrimination or wrongdoing and OI is not opening a case, provide rationale here (e.g., no prima facie, lack of specific indication of wrongdoing):

Request that OI interview the alleger to obtain additional information to determine whether it is prudent to continue with an investigation in this case.

Portion 1C & 5 Attorney Client

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

F/19

Rationale used to defer OI discrimination case (DOL case in progress):

No indication that the individual has filed with DOL at this time.

**ENFORCEMENT STATUTE OF LIMITATIONS CONSIDERATION (only applies to wrongdoing matters (including discrimination issues) that are under investigation by OI, DOL, or DOJ):**

What is the potential violation and regulatory requirement? \_\_\_\_\_

When did the potential violation occur? \_\_\_\_\_

(Assign action to determine date, if unknown)

Once date of potential violation is established, SAC will assign AMS action to have another ARB at four (4) years from that date, to discuss enforcement statute of limitations issues.

**NOTES: (Include other pertinent comments. Also include considerations related to licensee referral, if appropriate. Identify any potential generic issues)**

**Distribution:** Panel Attendees, Regional Counsel, OI, Responsible Individuals (original to SAC)