



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

SEP 11 2002

RI-2002-A-0113

Subject: Concern You Raised to the NRC Regarding Salem and Hope Creek

Dear [redacted]

This letter refers to your meeting with Mr. J. Schoppy, the NRC Senior Resident Inspector at Hope Creek, on August 23, 2002, during which you expressed a concern related to the Salem and Hope Creek sites. You were concerned about potential discriminatory action taken against you for raising safety concerns through the corrective action process.

Enclosure 1 to this letter documents your concern as we understand it. We have initiated actions to examine your concern and will inform you of our findings. If we have misunderstood or mischaracterized your concern as described in the enclosure, please contact me so that we can assure that it is adequately addressed prior to the completion of our review.

In resolving concerns raised to the NRC, the NRC normally takes all reasonable efforts not to disclose your identity to any organization, individual outside the NRC, or the public unless you clearly indicate no objection to being identified. However, because you have raised a concern of employment discrimination for raising safety concerns, an evaluation without identifying you would be extremely difficult. Therefore, your identity will be disclosed as part of any NRC investigation of your discrimination concern. You should also be aware that your identity could be disclosed if disclosure is necessary to ensure public health and safety, to inform Congress or State or Federal agencies in furtherance of NRC responsibilities under law or public trust, or to support a hearing on an NRC enforcement matter or if you have taken actions that are inconsistent with and override the purpose of protecting an alleged's identity.

We acknowledge that, in your discussion with Mr. Schoppy, you indicated that you had planned to discuss the issue with the QA Director and the Employee Concerns Program, and that it was your preference that the NRC delay its review of this matter until you had an opportunity to resolve it internally. Please understand that the initial effort of our investigation will be to interview you directly to obtain clarifying information with regard to your discrimination concern and to determine if you have any continuing concern with the Transient Assessment Response Plan. You can discuss the status of your efforts to internally resolve this matter and your desire for further NRC involvement at that time.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

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Regarding the adverse personnel action taken against you (being escorted off site on August 9, 2002) we note that the Department of Labor (DOL) has the authority to order back pay, reinstatement or compensatory damages. In order to protect your rights, you must file a written complaint with DOL within 180 days of the date of the discriminatory action or the date you received any written notice of an adverse personnel action (e.g., layoff or suspension), whichever occurs first. A copy of Title 29 CFR Part 24, DOL's "Procedures for Handling of Discrimination Complaints Under Federal Employee Protection Statutes" is enclosed for your attention. Any such complaint can be filed with DOL Regional Offices for the Occupational Safety and Health Administration (OSHA). Your complaint must describe the safety issues you raised and the resulting adverse personnel action taken. If you choose to file a complaint, it should be filed with:

U. S. Department of Labor - OSHA  
201 Varick Street, Room 670  
New York, New York 10014  
Telephone: (212) 337-2378

If a request is filed under the Freedom of Information Act (FOIA) related to your area of concern, the information provided will, to the extent consistent with that act, be purged of names and other potential identifiers. Further, you should be aware you are not considered a confidential source unless confidentiality has been formally granted in writing.

Enclosed with this letter is a brochure entitled "Reporting Safety Concerns to the NRC," which provides a description of the NRC process in these matters.

Thank you for notifying us of your concern. We will advise you when we have completed our review. Should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,



David J. Vito  
Senior Allegation Coordinator

Enclosures:  
As Stated

**Concern:**

You assert that you have been discriminated against for raising safety concerns through the corrective action process.

You stated that the week of July 1, 2002, you were informed via email that you were placed on the Transient Assessment Response Plan (TARP) callout list for D TARP weeks. You indicated that you reviewed the TARP procedure (SH.OP-AP.ZZ-0101), and determined that in your opinion, you were not qualified to be a TARP team member. You so informed your supervisor. You indicated that you did not receive a satisfactory response from your supervisor, and took your concern to the next level of management - the Engineering Programs Manager. You stated that you outlined for the Engineering Programs Manager the problems with the TARP procedure. According to you, the Engineering Programs Manager agreed that they do not follow the guidance as written and requested that you document your concerns in the corrective action process. You were removed from the TARP callout list on July 21, 2002. You stated that you initiated corrective action notification (on [redacted]).

You stated that on [redacted] the Engineering Programs Manager completed the evaluation of notification [redacted] evaluation [redacted] and determined that all procedure sections were being followed. You stated that subsequently, on August 9, your supervisor challenged you with the completed evaluation, asking for your decision (on TARP participation). You stated that when you asked for time to review the evaluation, a verbal confrontation ensued, wherein your supervisor stated "that's it, you're out of here" and proceeded to escort you off site. ne

You stated that due to stress, you were out sick the week of August 12, 2002, and that on August 19, 2002, you could not access the protected area and discovered that you had been administratively removed from site (access denied through security). Subsequently that day you indicated that you met with your supervisor and the Engineering Supervisor - Spare Parts Engineering, to discuss your performance. You stated that your supervisor told you that failure to join the TARP team could result in actions up to and including termination. You stated that you told your supervisor that you felt discriminated against for raising the TARP team issue and that you felt that the experience had a chilling effect on you but that you would do what they wanted. You stated that at this point, your supervisor told you that you were suspended but quickly retracted the suspension. Your supervisor went on to say "you can come back, you'll be on the D TARP team, but no more railing about safety indicators [you are in charge of checking the performance indicator data for NRC and WANO input], no slamming management, just smile and be happy." You agreed but were upset by this encounter and felt "chilled." You indicate that you do not feel comfortable discussing the issue with your management for fear of losing your job.

**Partial Response to Concern:**

As indicated in the cover letter, we have initiated actions to examine your concern. In your discussion with Mr. Schoppy on August 23, 2002, you indicated that you planned to discuss the matter with the QA Director and the Employee Concerns Program in an effort to resolve this issue internally. You requested that the NRC delay its review of this matter until you have had additional opportunity to obtain internal resolution. We reiterate that our initial effort in this

matter will be to interview you directly to obtain clarifying information about your concern. The status of your efforts to internally resolve this matter can be discussed at that time. Also, we would like to understand whether you still have any technical concerns with regard to the TARP procedure. While you indicated, in the information you provided to Mr. Schoppy, that your concern had been placed in the Corrective Action Process, and had been evaluated by the Engineering Programs Manager, you did not indicate whether you felt that your initial concerns had been satisfactorily resolved. If you have any remaining concerns about the TARP procedure that you do not believe have been or will be resolved by way of the corrective action process, please provide those concerns to me by contacting me at the toll free number noted on the cover letter, or if you choose, you may provide them when you are initially interviewed by the NRC regarding your discrimination concern.