



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

April 11, 1995

IA 95-009

Mr. Calvin Vondra
HOME ADDRESS DELETED
UNDER 2.790

SUBJECT: NOTICE OF VIOLATION
(ENFORCEMENT CONFERENCE (NRC OI INVESTIGATION 1-93-021R))

Dear Mr. Vondra:

On February 24, 1995, the NRC conducted an enforcement conference with you in the Region I office in King of Prussia, Pennsylvania, to discuss the circumstances associated with your alleged harassment and intimidation (H&I) of two Public Service Electric and Gas (PSE&G) Safety-Review Group (SRG) engineers. The conference was based on the finding of an NRC investigation by the Office of Investigations (OI) which concluded that you took action that involved H&I of two Safety Review Group (SRG) engineers who were engaged in protected activities on December 3, 1992. A similar finding was made by PSE&G in April 1993. A copy of the OI synopsis of the investigation was forwarded to you on January 11, 1995.

On December 3, 1992, the two SRG engineers attempted to process a safety issue, in accordance with station procedures, by submitting an incident report (IR) at the Salem Station. The IR questioned whether the commercial grade air supply pressure setpoint regulators, which control service water flow to the safety-related containment fan cooling units, were qualified seismically, configured properly, and classified properly as safety-related components. A heated discussion on this issue subsequently developed during a meeting in your office. During this meeting, you attempted to persuade the engineers that either an incident report was not warranted, or information which would demonstrate operability of the components, and which you believed existed, should be included on the incident report. In addition, you discouraged the submittal of the incident report by strongly recommending the submittal of a Deficiency Evaluation Form. After one of the engineers indicated that he would consider filing a Quality/Safety concern on the matter, you became angry and told the individuals to get out of your office and threatened to have security officers remove the two SRG engineers.

In addition, upon deliberation, you directed that a memorandum be written to the General Manager-Quality Assurance and Nuclear Safety Review (GM-QA/NSR), within whose organization the SRG engineers reported. In this memorandum, which you signed on December 4, 1992, you indicated that the two SRG engineers had a lack of professional understanding and displayed aberrant behavior, and you requested that they be removed from any direct or indirect involvement with Salem Station. At the enforcement conference, you admitted that you harassed and intimidated these two individuals by your actions, which caused PSE&G to violate 10 CFR 50.7, although you contended that you did not do so deliberately. Notwithstanding your contention that you did not harass and intimidate the SRG engineers deliberately, you nevertheless sent the December 4, 1992 memorandum to the GM-QA/NSR even though (1) you consulted with the then General Manager-Hope Creek, who cautioned

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you regarding the implications of sending the memorandum, and (2) although you signed the memorandum prior to going on vacation on December 4, 1992, your Operations Manager (OM) did not mail the memorandum but returned it to you following your vacation on December 14, 1992, which provided you another opportunity to reconsider the appropriateness of your action. Despite these opportunities to reconsider the implications, you persisted in your decision to send the memorandum to the GM-QA/NSR on December 14, 1992. Further, you took no action to resolve or retract the memorandum until February 8, 1993, after the Senior Vice President-Electric became aware of these events. The NRC believes that these actions were deliberate on your part and caused the licensee to violate 10 CFR 50.7 and, therefore, constitute a violation of 10 CFR 50.5. Since you were the senior person onsite at the time and several supervisory levels senior to the SRG engineers, the violation is classified at Severity Level II.

As the then General Manager of a nuclear facility, you were in a position that conferred upon you trust and confidence in your ability to effectively manage and promote the safe operation of that facility. In that position, you were responsible for the appropriate resolution of all potential safety concerns, as well as professional treatment of all individuals who bring forward those concerns. Your actions did not adhere to these standards, and did not provide an appropriate example for those individuals under your supervision, or individuals of PSE&G's organization with which you interfaced. Rather, your actions in this matter contributed to the creation of a hostile work environment for these two individuals at the Salem Station, and a potential chilling effect towards other station personnel identifying safety-concerns.

Given the significance of your actions, I have decided, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, to issue to you the enclosed Notice of Violation. I also gave serious consideration as to whether an Order should be issued that would preclude you from any further involvement in NRC licensed activities for a certain period of time. However, I have decided, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, that this Notice of Violation is sufficient since (1) PSE&G took prompt disciplinary action, after its own internal investigation at the time, including issuance of a reprimand letter to you, requiring you to give a presentation regarding the events to the senior managers, subsequently replacing you as the General Manager-Salem Operations, and assigning you to a position not involving NRC licensed activities, which resulted in a reduction in your pay grade, and (2) you were candid and remorseful at the enforcement conference during which you acknowledged that you had erred and had exercised poor judgement in this matter.

Based on the results of the transcribed enforcement conference, and in view of the actions already taken in regard to your performance, no response to this letter and the enclosed Notice is required. However, should you become involved in NRC licensed activities in the future, you should provide a response to the NRC regarding this Notice at that time to include your reasons as to why the NRC should have confidence that you would not engage in such activities in the future. Any similar conduct on your part in the future could result in further enforcement action against you.


Mr. Calvin Vondra

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room with your address deleted. A copy is also being provided to the President and Chief Executive Officer of PSE&G.

The enclosed Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Martin".

Thomas T. Martin
Regional Administrator

Enclosure: Notice of Violation

Mr. Calvin Vondra

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cc w/encl:

L. Eliason, President-Nuclear Business Unit

E. Ferland, President and Chief Executive Officer

PUBLIC

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New Jersey

State of Delaware