

June 30, 2005

Mr. William Levis
Senior Vice President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P. O. Box 236
Hancocks Bridge, NJ 08038

RI-2004-A-0128

Subject: NRC Office of Investigation Report 2-2004-049

Dear Mr. Levis:

The Region II Field Office of the NRC Office of Investigations (OI) initiated an investigation (Case No. 2-2004-049) on October 5, 2004, to determine if a former employee was not selected to retain his/her supervisory position as part of the September 2003 reorganization at Salem and Hope Creek because the individual had expressed concerns about vibration problems with the Hope Creek "B" recirculation pump vibration and the work order process.

OI identified that an outside firm provided oversight for the selection process for the position-in-question among other similar positions that were selected as part of the September 2003 reorganization. OI found that each candidate was scored against the same rating categories and that rating criteria were applied similarly to all the candidates for the position. OI found no evidence to indicate that the selection process was biased in any way to favor one individual over another, or to intentionally de-select one individual over another. OI reported that the team that approved the final selections was made up of the three individuals who were to be the supervisors of the individuals selected, and noted that a particular manager, who had been asserted to be responsible for the de-selection of the former employee, was not involved in the selection team.

OI confirmed that the former employee did raise concerns about vibration problems with the Hope Creek "B" recirculation pump; however, the evidence developed by OI during the investigation did not support that any actions taken by management regarding this matter were the reason that the former employee was not selected for the position-in-question. OI also confirmed that the former employee initiated a concern about the work order process. However, the evidence developed by OI showed that the selection process for the position-in-question was accomplished in July 2003, prior to the former employee's initiation of a concern about the work order process on August 22, 2003. As such, the former employee's raising of this concern could not be regarded as a protected activity related to not being selected for the position-in-question.

Based on the evidence developed by OI during the investigation as discussed above, the NRC was unable to conclude that the former employee was discriminated against for engaging in protected activities in this instance.

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Please note that final NRC documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions regarding this letter, please feel free to contact Mr. E. Cobey of my staff at (610) 337-5171.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Reactor Projects

Enclosure:
10 CFR 9.23, Requests for Records

Mr. William Levis

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