

EXHIBIT 2

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions b1
FOIA 2004-0191

B/5

INVESTIGATION STATUS RECORD

Facility: SALEM/HOPE CREEK Case Agent: RZEPKA, ROBERT P (RPR2)
Case Number: 1-2002-033 Date Opened: 09/05/2002
Docket Number(s): 05000272, 05000311, 05000354 ECD: 12/2002
Priority: Normal
Case Type: Reactor Power Status: Field Work In Progress
Primary Alleg Source: Allegor
Allegation Number(s): RI-2002-A-0113
Subject/Allegation: DISCRIMINATION AGAINST A SENIOR ENGINEER FOR RAISING CONCERNS THROUGH THE CORRECTIVE ACTION PROCESS

Monthly Status Report:

09/05/2002: On August 23, 2002, [redacted] a senior engineer at the Salem/Hope Creek facility, advised the NRC that [redacted] had been chilled/discriminated against for raising a concern. Specifically, [redacted] claimed that [redacted] questioned [redacted] supervisor regarding whether [redacted] was qualified to be placed on the Transient Assessment Response Plan (TARP). When [redacted] did not get satisfaction from [redacted] supervisor, [redacted] took [redacted] concern to the next level of management, the Engineering Programs Manager, who requested that the allegor document the issue in the corrective action process (CAP), which [redacted] did via CA notification [redacted]. [redacted] claims that on [redacted] supervisor threw the completed CA evaluation on [redacted] desk and a verbal confrontation ensued, resulting in the supervisor blurting out, "that's it, you're out of here" and proceeding to escort the allegor off site. Upon returning to work after [redacted] on August 19th, [redacted] could not access the protected area and discovered that [redacted] had been administratively removed from the site by Security (access denied), which has since been rectified.

On September 4, 2002, this concern was reviewed during an Allegation Review Board (ARB), wherein it was determined that [redacted] had articulated a prima facie showing of discrimination that warranted the initiation of a normal priority OI investigation. Due to the allegor's previously expressed interest in trying to work things out with the QA Manager and Employee Concerns Program, it was agreed that OI would interview the allegor to develop any additional relevant information, but not initiate contact with the licensee on this matter until the allegor's interview has been reviewed and considered at another ARB. Potential violations include 10 CFR 50.5 and 50.7. The statute of limitations tolls on, or around August 19, 2007. Status: FWP ECD (90 days): 12/02.

Completion Date: Total Staff Hours: 3.0
Issue Date: Months Open: 0.0
DOJ Action(s): DOJ Referral Date:
OI Violation(s): Harassment and Intimidation - No Result Statute of Limitations Date: 08/19/2007

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7C portions

EXHIBIT 2

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~~THIS DOCUMENT IDENTIFIES AN ALLEGER~~

Received: August 23, 2002
Received via: [X] In-person

Employee Receiving Allegation or suspecting wrongdoing (first two initials and last name): J G Schoppy

Source of information (please check one box): [X] licensee employee

Alleger Name: [Redacted] *nr*
Home Phone: [Redacted]

Home Address: [Redacted] *nc*
City/State/Zip: [Redacted]

Alleger's Employer: PSEG Nuclear

Alleger's Position/Title: [Redacted]

Facility: Salem/Hope Creek

Docket No. or License No.: 50/272, 50/311, 50/354

Was alleger informed of NRC identity protection policy? Yes No
If H&I was alleged, was alleger-informed of DOL rights? Yes No N/A

If a licensee employee or contractor, did they raise the issue to their management and/or ECP? Yes No N/A

Does the alleger object to referral of issues to the licensee? Yes No

Provide alleger's direct response to this question verbatim on the line below:

"I'd prefer waiting until I have a chance to talk to the QA Director and ECP before I determine if I would like the NRC to follow-up on site."

Was confidentiality requested? Yes No
Was confidentiality initially granted? Yes No N/A

Individual Granting Confidentiality: N/A

Criteria for determining whether the issue is an allegation:

- Is it a declaration, statement, or assertion of impropriety or inadequacy? Yes
- Is the impropriety or inadequacy associated with NRC regulated activities? Yes
- Is the validity of the issue unknown? Yes

If No to any of the above questions, the issue is not an allegation and should be handled by other appropriate methods (e.g. as a request for information, public responsiveness matter, or an OSHA referral).

Allegation Summary:

- [1] Potential violation of 50.7, Employee Protection, in that the alleger was discriminated against for raising safety concerns through the corrective action process.

Functional Area: [X] Power Reactor

Discipline for each concern: [1] Discrimination

~~THIS DOCUMENT IDENTIFIES AN ALLEGER~~

3d Description of Allegation:

The allegor stated that the week of July 1, 2002, [redacted] was informed via email that [redacted] was placed on the Transient Assessment Response Plan (TARP) callout list for D TARP weeks. The allegor reviewed the TARP procedure (SH.OP-AP.ZZ-0101), determined that in [redacted] opinion [redacted] was not qualified to be a TARP team member, and informed [redacted] supervisor [redacted] of such. When [redacted] did not receive satisfaction from [redacted] supervisor, the allegor took [redacted] concern to the next level of management - the Engineering Programs [redacted]. The allegor outlined for [redacted] the many aspects of the TARP procedure that they were apparently not meeting. According to the allegor, [redacted] agreed that they do not follow the guidance as written, requested that the allegor document this issue in their corrective action process, and removed the allegor from the TARP callout list on July 21. The allegor initiated corrective action notification [redacted] on July 18.

*Temporary
Removal*

On August 5, [redacted] completed the evaluation of notification [redacted] and determined that all procedure sections were being followed. On [redacted] the allegor's supervisor threw the completed evaluation on the allegor's desk and asked the allegor what [redacted] decision was. The allegor stated that [redacted] didn't understand what [redacted] supervisor was referring to and asked [redacted] supervisor for time to review the evaluation. According to the allegor, a low volume verbal confrontation ensued for approximately two minutes. The supervisor suddenly blurted out "that's it, you're out of here" and proceeded to escort the allegor off site. [The allegor stated that [redacted] had later informed [redacted] that [redacted] had overheard their conversation and believed that the supervisor was totally unreasonable.]

Due to [redacted] the allegor was [redacted] the [redacted]. On August 19, the allegor could not access [redacted] the protected area and discovered that [redacted] had been administratively removed from site (access denied through security). Subsequently on August 19, the allegor met with [redacted] supervisor and Bob Settle, Engineering Supervisor - Spare Parts Engineering, to discuss the allegor's performance. The allegor stated that [redacted] supervisor told [redacted] that failure to join the TARP team could result in actions up to and including termination. The allegor stated that [redacted] told [redacted] supervisor that [redacted] felt discriminated against for [redacted] joining the TARP team issue and that [redacted] felt that the experience had a chilling effect on [redacted] but that [redacted] would do whatever they wanted. At this point, the supervisor told [redacted] was suspended but quickly recanted it. The supervisor went on to say "you can come back, you'll be on the D TARP team, but no more railing about safety indicators [the allegor is in charge of checking the performance indicator data for NRC and WANO input], no slamming management, just smile and be happy." The allegor agreed but was upset by this encounter and definitely felt "chilled." The allegor does not feel comfortable discussing the issue with [redacted] management for fear of losing [redacted] job [a good performer for 12 years according to the allegor].

During the discussion with the resident, the allegor stated that [redacted] planned to discuss the issue with the QA Director and the ECP. The allegor stated that [redacted] prefer if we (NRC) did not follow up on site until [redacted] gave QA and the ECP a chance to help [redacted] resolve the issue. [redacted] issue is not so much with [redacted] being made to participate as a TARP team member, but how [redacted] was treated for bringing up the procedure compliance issue.

*- insert a life st
- why a/crow 1 st
- why come back*

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