



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

MAR 23 2004

RI-2002-A-0113

Ex 7c



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

Dear [Redacted]

The NRC Region I office has completed its follow up in response to the discrimination concern you brought to our attention during your meeting with Mr. J. Schoppy, the former NRC Senior Resident Inspector at Hope Creek, on August 23, 2002. Enclosure 1 to this letter restates your discrimination concern and describes our review and conclusions regarding that concern.

Thank you for informing us of your concern. We feel that our actions in this matter have been responsive. Should you have any additional questions, or if I can be of further assistance in this matter, please call me via the NRC Safety Hotline at 1-800-695-7403.

Sincerely,

ja David J. Vito
Senior Allegation Coordinator

Enclosure:
As Stated

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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in accordance with the Freedom of Information
Act, exemptions 7c
FOIA- 2004-0191

F/1

Concern:

You asserted that you were discriminated against for raising safety concerns through the corrective action process (CAP).

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 the problems with the TARP procedure to the Engineering Programs Manager. According to you, the Engineering Programs Manager agreed that the guidance is not followed 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 [] .]

You stated that on [] the Engineering Programs Manager completed the evaluation of notification, [] (evaluation []) 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.

You stated that due to stress, you were out sick the week of August 12, 2002, and that upon your return 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.

Subsequently, on September 2, 2003, you provided additional information to the NRC describing that you received an "Unsatisfactory" performance appraisal rating in August 2003, further demonstrating a continuing pattern of harassment, intimidation, and retaliation against you for raising concerns through the CAP regarding the TARP, as described above.

Response to Concern:

On September 11, 2002, the Region I Field Office of the NRC Office of Investigations (OI) contacted you to schedule a formal interview. During this initial discussion, you informed OI that you had submitted your discrimination concern to the PSEG Nuclear Employee Concerns Program (ECP) and that it was your preference at that time to allow ECP to process the issue. During a subsequent conversation with OI on September 23, 2002, you reiterated your desire to pursue your concern with ECP and not be formally interviewed by OI. On November 20, 2002, you informed us that the ECP review had concluded that your concerns were not valid and that, as a result, you wanted the NRC to keep your concern open. On December 20, 2002, you formally requested that the NRC pursue your discrimination concern.

On January 9, 2003 OI Region I initiated an investigation (#1-2003-010) to determine if you were discriminated against for engaging in protected activity. Specifically, you had asserted that you were suspended, had your site access removed, and were threatened with receiving a poor performance appraisal and termination in August 2002, because you had raised a concern via the Artificial Island corrective action program in July 2002, about the adequacy of the transient review (TARP) procedure and your own qualifications to be on TARP. The evidence identified during the OI investigation indicated that site management's actions toward you for refusing to accept a position on the TARP team were in response to a matter of work performance, rather than engagement in protected activity. Ultimately, you did not have to participate on the TARP due to a medical condition.

On September 2, 2003, you provided additional information to Region I regarding your mid-year performance appraisal on August 28, 2003, which you believe demonstrated continuing discrimination against you. As a result, a supplemental investigation was initiated by OI to incorporate the more recent information into their review of your assertion of discrimination. OI found that you did receive one "unsatisfactory" rating in a portion of your mid-year performance appraisal, but that you had received an overall mid-year evaluation of "satisfactory."

Based on testimonial and documentary evidence brought forward during the OI investigation, the NRC concluded that you were not discriminated against for having engaged in protected activities.

Please note that final NRC investigatory documents, such as the OI report noted 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.