



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

July 26, 2013

EA-13-160

Mr. Thomas P. Joyce
President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P.O. Box 236
Hancocks Bridge, NJ 08038

SUBJECT: POTENTIAL IMPACT OF A U.S. DISTRICT COURT JURY FINDING OF RETALIATION ON THE WORK ENVIRONMENT AT SALEM & HOPE CREEK (REFERENCE: U.S. DISTRICT COURT RULING – DISTRICT OF NEW JERSEY - CAMDEN VICINAGE – CIVIL CASE NO. 10-4633)

Dear Mr. Joyce:

On June 25, 2013, the U.S. Nuclear Regulatory Commission (NRC) became aware, via a newspaper article, of a jury verdict returned on June 21, 2013, in the U.S. District Court in Camden, New Jersey, in favor of a former security supervisor of Wackenhut Corporation (now G4S Security Solutions), your security contractor at the Salem and Hope Creek Nuclear Generating Stations (Salem and Hope Creek). The jury found that the former security supervisor, who filed his complaint in June 2010, was terminated by Wackenhut in October 2009, "in retaliation for engaging in a protected activity by raising concerns regarding an ATL [Assistant Team Leader] staffing practice he reasonably believed violated a federal law [NRC regulation]." Court records also reflect that the terminated security supervisor had threatened to report his concerns to the NRC.

The security supervisor's concerns/complaint were not filed with the U.S. Department of Labor (DOL) pursuant to Section 211 of the Energy Reorganization Act of 1974, nor with the NRC pursuant to 10 CFR 50.7. Nonetheless, such a finding of fact and verdict by a federal court jury is of concern to the NRC as Wackenhut's retaliatory action may have a chilling effect on the willingness of PSEG employees and its contractors working at Salem and Hope Creek to raise safety and regulatory concerns to PSEG, its contractors, or to the NRC. This concern exists regardless of whether or not a complaint was filed with DOL or the NRC.

Wackenhut, and not PSEG, was the only party named in this complaint. However, PSEG, as the NRC license holder for Salem and Hope Creek, is responsible and accountable for the actions of its contractors when engaged in NRC regulated activities. Therefore, on July 16, 2013, Darrell Roberts, Director, Division of Reactor Projects, NRC Region I, contacted Mr. Robert Braun, Senior Vice President and Chief Operating Officer, regarding this jury verdict. Mr. Braun indicated that Wackenhut disputes the jury's verdict and has filed various motions with the District Court regarding that decision. Nonetheless, the finding that Wackenhut retaliated against the individual for engaging in a protected activity raises questions with the

NRC as to whether the work environment at Salem and Hope Creek is such that employees are encouraged and willing to raise safety and regulatory concerns.

Therefore, as noted during the aforementioned July 16, 2013, telephone conversation, the NRC is requesting that PSEG inform the NRC of the actions it has taken, is taking, and plans to take, to ensure Wackenhut's actions, as found by the jury in its verdict, do not have a chilling effect on the willingness of PSEG employees, and its contractors, to raise safety and regulatory concerns either internally or to the NRC. Please provide your written response to the Regional Administrator at the U.S. Nuclear Regulatory Commission, Region I, 2100 Renaissance Boulevard, King of Prussia, PA 19406 within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made 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/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Because your response will be placed and made available electronically for public inspection in the NRC Public Document Room or from the PARS component of ADAMS, to the extent possible it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your withholding claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Please contact Glenn Dentel at (610) 337-5233 if you have any additional questions. We appreciate your cooperation in this matter.

Sincerely,

/RA/

William M. Dean
Regional Administrator

Docket Nos.: 50-272, 50-311
License Nos.: DPR-70, DPR-75

cc: Distribution via ListServ
G4S Security Solutions

NRC as to whether the work environment at Salem and Hope Creek is such that employees are encouraged and willing to raise safety and regulatory concerns.

Therefore, as noted during the aforementioned July 16, 2013, telephone conversation, the NRC is requesting that PSEG inform the NRC of the actions it has taken, is taking, and plans to take, to ensure Wackenhut's actions, as found by the jury in its verdict, do not have a chilling effect on the willingness of PSEG employees, and its contractors, to raise safety and regulatory concerns either internally or to the NRC. Please provide your written response to the Regional Administrator at the U.S. Nuclear Regulatory Commission, Region I, 2100 Renaissance Boulevard, King of Prussia, PA 19406 within 30 days of the date of this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made 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/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Because your response will be placed and made available electronically for public inspection in the NRC Public Document Room or from the PARS component of ADAMS, to the extent possible it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your withholding claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Please contact Glenn Dentel at (610) 337-5233 if you have any additional questions. We appreciate your cooperation in this matter.

Sincerely,
/RA/
 William M. Dean
 Regional Administrator

Docket Nos.: 50-272, 50-311
 License Nos.: DPR-70, DPR-75

cc: Distribution via ListServ
 G4S Security Solutions

Distribution: See next page

DOCUMENT NAME: G:\DRP\BRANCH3\Chilling Effect Letter - Salem and HC Final.docx
 ADAMS Accession No.: **13207A078**

<input checked="" type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	RI/DRP	RI/DRP	RI/DRP	RI/OI	RI/RC
NAME	RBarkley/	GDentel/via email	DRoberts/	JTeator/	JFarrington/
DATE	07/23/13	07/23/13	07/25/13	07/23/13	07/ 25/13
OFFICE	RI/ORR	OE	RI/ORR		
NAME	DHolody/	DVito/via email	WDean/		
DATE	07/25 /13	07/24/13	07/ 26 /13		

OFFICIAL RECORD COPY

Distribution w/encl:

W. Dean, RA

D. Lew, DRA

D. Roberts, DRP

A. Burritt, DRP

R. Lorson, DRS

J. Rogge, DRS

G. Dentel, DRP

R. Barkley, DRP

M. Draxton, DRP

J. Hawkins, DRP, SRI, Actg

P. McKenna, DRP RI

D. Dodson, DRP, SRI Actg

S. Ibarrola, DRP, RI

V. Campbell, RI OEDO

RidsNrrPMSalem Resource

RidsNrrPMHopeCreek Resource

RidsNrrDorlLp1-2 Resource

ROPreports Resource