

ENCLOSURE

NOTICE OF VIOLATION

Public Service Electric and Gas Company
Salem Units 1 and 2

Docket Nos. 50-272 and 50-311
License Nos. DPR-70 and DPR-85
EA 99-055

Based on a decision by a U.S. Department of Labor Administrative Law Judge dated March 4, 1999 (DOL Case 98-ERA-39), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is set forth below:

10 CFR 50.7 prohibits, in part, discrimination by a Commission licensee against an employee for engaging in certain protected activities. Discrimination includes discharge or other actions relating to the compensation, terms, conditions, and privileges of employment. The activities which are protected include, but are not limited to, reporting of safety concerns by an employee to his employer.

Contrary to the above, on April 8, 1998, the licensee discriminated against an employee for engaging in protected activities. Specifically, a nuclear mechanical technician received a negative performance appraisal in retaliation for raising safety concerns regarding the repair of a safety-related valve at Salem Unit 1. (01014)

This is a Severity Level IV violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Public Service Electric & Gas Company (Licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

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Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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 claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 28th day of July 1999

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region I (RI) Field Office, on May 8, 1998, to determine whether a Nuclear Mechanic Technician (NMT), Salem Generating Station, Unit 1, Public Service Electric & Gas Company, was discriminated against for raising concerns regarding management practices and policies. The NMT alleged that PSE&G suspended his onsite access, assigned him to work offsite, sent him for a psychological examination, and gave him a negative performance evaluation.

After a preliminary review of this matter and coordination with the Regional Administrator, it has been determined that, due to OI:RI pursuing investigations with higher priorities, this matter is being closed.