



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 20, 2019

EA-18-149

Mr. Thomas G. Rubenstein
Executive Director Vogtle 3 & 4 Project
Westinghouse Plant Solutions
7828 River Road, Bld. 120 Vogtle 3 & 4
Waynesboro, GA 30830

SUBJECT: NRC INVESTIGATION REPORT NO. 2-2017-004

This letter refers to an investigation completed on February 13, 2018, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) related to Southern Nuclear Operating Company (SNC), Vogtle Electric Generating Plant (Vogtle), Units 3 and 4, currently under construction. The purpose of the NRC OI investigation was to determine whether a contract employee, employed initially by Shaw, and later CB&I and Westinghouse, was the subject of employment discrimination in violation of the NRC's "Employee Protection" regulation, specifically, Title 10 of the *Code of Federal Regulations* (10 CFR) 52.5 for the purposes of this case.

Based on the evidence gathered during the OI investigation, an apparent violation of 10 CFR 52.5 occurred when a contract employee was terminated from employment in 2016, which the NRC determined was in part because he engaged in protected activity.

In a letter dated May 15, 2019 (Agencywide Document Access and Management System (ADAMS) Accession No. ML19126A131), the NRC notified Westinghouse of the apparent violation of 10 CFR 52.5. In this letter, the NRC offered Westinghouse the opportunity to: (1) attend a predecisional enforcement conference (PEC) or (2) participate in an alternative dispute resolution mediation session in an effort to resolve these concerns. In response to the NRC's offers, Westinghouse requested a PEC, and on August 20, 2019, the NRC held a PEC at the NRC Headquarters office in Rockville, Maryland.

Based on information gathered during the investigation and provided at the PEC, the NRC has determined that no further enforcement action is warranted. While no enforcement action will be taken against Westinghouse, please recognize that the NRC places a high value on nuclear industry employees, of both the licensee and their contractors, being free to raise regulatory and safety concerns without fear of retaliation. The contractor and the licensee are both legally responsible for ensuring that employees are not subject to adverse actions for raising safety concerns.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at the following address: MS O14A50, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR Section 2.390, of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have questions concerning this letter, please contact Catherine Thompson at 301-287-9515.

Sincerely,

/RA/

George A. Wilson, Director
Office of Enforcement

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