



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 24, 1994

Mr. Joseph C. Quick, CEO
Nuclear Support Services, Inc.
Post Office Box 3120
Hershey, Pennsylvania 17033

Dear Mr. Quick:

SUBJECT: DISCRIMINATORY EMPLOYMENT ALLEGATION

On March 8, 1993, the U.S. Department of Labor's Wage and Hour Division in Wilkes-Barre, Pennsylvania, received a complaint from a former employee of Nuclear Support Services, Inc. (NSSI). The former employee alleged that NSSI discriminated against and blacklisted the employee by a continual refusal to hire him because he had raised safety concerns while performing his duties at two nuclear power plant sites. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated April 8, 1993, the District Director of the Wage and Hour Division found that the evidence obtained during the Division's investigation indicated that the employee was engaged in a protected activity within the scope of the Energy Reorganization Act and that discrimination as defined and prohibited by the statute was a factor in the actions which comprised his complaint.

Although we recognize that a hearing on the Wage and Hour District Director's findings has been requested, the NRC is concerned that a violation of the employee protection provisions set forth in 10 CFR 50.7 may have occurred and that the actions taken against the former employee may have had a chilling effect on other NSSI personnel.

Accordingly, pursuant to sections 161c of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 in order for the Commission to determine whether enforcement action should be taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that:

1. Provides the basis for the employment action regarding the former employee and includes a copy of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other contractor employees from raising perceived safety concerns.

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RETURN TO REGULATORY CENTRAL FILES

9406130166 940524
PDR ADOCK 03029164
C PDR

DF03 IAP-12-4
1/0 X-L-4-1, PT. 16
X-L-4-1, PT. 2

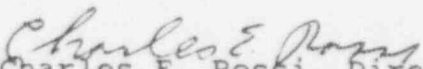
Your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, 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., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Public Law No. 96-511.

Sincerely,


Charles E. Rossi, Director
Division of Reactor Inspection
and Licensee Performance
Office of Nuclear Reactor Regulation

May 24, 1994

-2-

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For Distribution and Concurrence see next page

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Handwritten notes:
 - note - make sure all
 - we cannot use 10 CFR 2.204 to require a response like NSSI to respond
 - legal
 - distributed w/ Joe Gray

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