

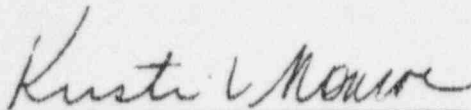
Title: SALEM GENERATING STATION, UNITS 1 AND 2:
ALLEGED HARASSMENT, INTIMIDATION, AND DISCRIMINATION

Licensee:
Public Service Electric and Gas Company
P.O. Box 236
Hancocks Bridge, New Jersey 08038
Docket Nos.: 50-272/311

Case Number: 1-93-0215
Report Date: November 9, 1994
Control Office: OI:RI
Status: CLOSED

Reported by:

Reviewed and Approved by:



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WARNING

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SYNOPSIS

On October 4, 1994, the Office of Investigations (OI), U.S. Nuclear Regulatory Commission (NRC), Region I, King of Prussia, Pennsylvania, initiated an investigation into the alleged harassment, intimidation, and discrimination (HI&D) of a former Senior Staff Engineer, Salem Generating Station (SGS), Public Service Electric and Gas Company (PSE&G), for raising nuclear safety concerns.

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

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ACCOUNTABILITY

The following portions of this Report of Investigation (Case No. 1-93-021S) will not be included in the material placed in the PDR. They consist of pages 3 through 11.

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APPLICABLE REGULATIONS

Allegation: Harassment, Intimidation, and Discrimination of a Former Senior Staff Engineer

10 CFR 50.5: Deliberate misconduct (Editions 1992 through 1994; Effective September 16, 1991)

10 CFR 50.7: Employee protection (Editions 1989 through 1994)

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DETAILS OF INVESTIGATION

Purpose of Investigation

This investigation was initiated to determine whether Bert E. WILLIAMS, former Senior Staff Engineer, Onsite Safety Review Group (SRG), Nuclear Safety Review (NSR), Salem Generating Station (SGS), Public Service Electric and Gas Company (PSE&G), was harassed, intimidated, and discriminated (HI&D) against for raising nuclear safety concerns (Exhibit 1).

Background

On December 3, 1992, WILLIAMS participated in writing an Incident Report (IR) that pertained to problems with the Containment Fan Coil Units (CFCUs) for SGS Units 1 and 2. Alleged harassment and intimidation of WILLIAMS occurred when WILLIAMS and Paul CRAIG, Safety Review Engineer, SRG, SGS, attempted to file the IR with Vincent POLIZZI, Operations Manager, SGS, and Cal VONDRA, General Manager, SGS. The alleged harassment and intimidation continued when POLIZZI prepared a memorandum, at the request of and for the signature of VONDRA, addressed to Lawrence REITER, former General Manager, Quality Assurance/NSR, SGS, and the third tier supervisor of WILLIAMS and CRAIG. The memorandum requested that WILLIAMS and CRAIG ". . . be removed from any direct or indirect involvement with Salem Station." OI opened case No. 1-93-021R and substantiated harassment and intimidation in that scenario (Exhibit 1).

In a memorandum dated May 27, 1993, to William CIANFRANI, On-Site Safety Review Engineer, NSR, SGS, WILLIAMS requested an increase in grade and salary. WILLIAMS based his request upon the fact that he had performed the same functions as the engineers in his group, however, WILLIAMS' salary was less (Exhibit 2, p. 3). In a memorandum dated June 30, 1993, to WILLIAMS from Bruce E. HALL, Manager, NSR, WILLIAMS was informed that his request could not be granted because there was "no reasonable basis" for the request (Exhibit 2, pp. 4 and 5).

On July 15, 1993, WILLIAMS filed a complaint with the U.S. Department of Labor (DOL), alleging that PSE&G had denied him compensation and promotion to the level of others who performed the same function, because he had often been a "whistleblower" on matters affecting public safety at PSE&G (Exhibit 2, pp. 1 and 2).

In a letter dated October 19, 1993, to Steven MILTENBERGER, Vice President and Chief Nuclear Officer, PSE&G, from Richard C. RICHARDS, District Director, DOL, RICHARDS advised that DOL had found in favor of WILLIAMS. DOL determined that WILLIAMS was a protected employee who had engaged in a protected activity and that discrimination was a factor in the actions that comprised WILLIAMS' complaint (Exhibit 3, p. 1). PSE&G appealed that decision, but reached a settlement with WILLIAMS before going to a hearing.

Interview of Allegor

On September 29, 1993, and June 13, 1994, WILLIAMS was interviewed concerning

his allegation of harassment, intimidation, and discrimination. WILLIAMS advised that he had reviewed [safety] issues that he had raised during the course of his career. WILLIAMS continued that it seemed to him that he had been penalized for raising the [safety] issues. WILLIAMS continued that there had been many references [in his performance appraisals] to his "unyielding attitude" (Exhibit 4, p. 92). WILLIAMS stated that he thought that performance appraisals had been used to "sandbag" him (Exhibit 4, p. 96). WILLIAMS advised that life with PSE&G safety review is intimidation. WILLIAMS continued that if an individual is not prepared to stand up and support a safety issue, then the issue should not be raised (Exhibit 5, p. 55).

Summary of Investigative Activity

During the course of the investigation, Scott GILLESPIE, WILLIAMS' former supervisor was interviewed (Exhibit 6). In addition, the reporting investigator reviewed various documents, including: the DOL narrative report regarding WILLIAMS' complaint (Exhibit 7); Professional/Technical Performance Planning Appraisals; and documents provided by WILLIAMS.

Coordination with NRC Staff

On October 17, 1994, the Field Office Director, OI:RI met with the Regional Administrator, NRC:RI to discuss the open OI:RI inventory. During a discussion of this investigation, the Regional Administrator indicated that this investigation should be a normal priority.

Closure Information

Based on a determination that this investigation is of a normal priority, higher priority cases take precedence and this case is being closed. If, at a future date, information is developed which raises the priority of this case, OI:RI will re-evaluate the matter.

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	OI Investigation Status Record for OI Case No. 1-93-021S.
2	WILLIAMS' complaint to the DOL, dated July 15, 1993.
3	Letter dated October 19, 1993, to Steve MILTENBERGER, Vice President and Chief Nuclear Officer, PSE&G, from Richard C. RICHARDS, District Director, DOL.
4	Testimony of WILLIAMS, dated September 19, 1993.
5	Testimony of WILLIAMS, dated June 13, 1994.
6	Testimony of GILLESPIE, dated December 14, 1993.
7	Letter dated November 3, 1993, to Dan HOLODY, Enforcement Officer, NRC, from Dominick J. DENATO, Assistant District Director, DOL, forwarding DOL Narrative Report.