



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
 REGION I  
 475 ALLENDALE ROAD  
 KING OF PRUSSIA, PENNSYLVANIA 19406-1415

DG  
 PDR

August 3, 1999

EA 98-338

Mr. Kenneth W. Robuck  
 Williams Power Corporation  
 2076 West Park Place  
 Stone Mountain, Georgia 30087

SUBJECT: NOTICE OF VIOLATION  
 (Office of Investigations Report No. 1-1998-005)

Dear Mr. Robuck:

This refers to the subject investigation conducted by the NRC Office of Investigations (OI) at North Atlantic Energy Service Corporation's (NAESCO) Seabrook Station. Based on the findings of the investigation, apparent violations were identified involving: (1) discrimination by Williams Power Corporation (WPC), a contractor of NAESCO, against an electrician for raising safety issues regarding electrical wiring in the control panel for the control building air conditioning (CBA) system; (2) creation of an inaccurate record by WPC regarding work completed on the CBA system; and (3) the failure to promptly correct the incorrectly terminated cables of the CBA system. The synopsis of the subject OI report was forwarded to WPC with our letter, dated March 16, 1999. Our subsequent letter, dated April 19, 1999, provided a summary of the facts that led the NRC to conclude that violations may have occurred. On June 2, 1999, a predecisional enforcement conference (conference) was held with you, members of your staff, and representatives of NAESCO to discuss the apparent violations, their causes, and your corrective actions.

After review of the information developed during the investigation, the information provided during the conference, and other information provided subsequent to the conference, including the additional information provided in a letter submitted by your attorney on your behalf dated June 15, 1999, the NRC has concluded that a violation of 10 CFR 50.7 occurred. The violation involved discrimination, by the WPC foreman, against a WPC electrician who raised a concern regarding a wiring discrepancy in the control panel of the CBA system. Specifically, the WPC electrician identified that two electrical conductors in the CBA control panel were terminated in a configuration opposite that shown in the applicable design documents. The electrician first raised this concern to his foreman, and later brought the discrepancy to the attention of a NAESCO quality control (QC) inspector on January 7, 1998. Subsequently, on January 16, 1998, the WPC foreman selected this specific electrician for a layoff.

At the conference, you contended that the electrician's raising of the safety concern was not a factor in his selection for layoff, noting that there were legitimate reasons for this action. While legitimate reasons supporting the layoff may exist, the NRC has concluded, based on the evidence developed during the OI investigation and the information provided at the

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enforcement conference, that the layoff was motivated, at least in part, by the individual's engagement in protected activity. Specifically, the NRC has concluded that the foreman selected the electrician for the layoff at least in part in retaliation for the manner in which he raised the wiring discrepancy; i.e. by bringing it to the attention of the QC Inspector. As such, the NRC has concluded that the electrician was discriminated against for raising a safety concern which constitutes a violation of 10 CFR Part 50.7.

The NRC recognizes that you reinstated the electrician at NAESCo's recommendation after a NAESCo investigation recognized the potential chilling effect that could result from the layoff. Nonetheless, the actions of the WPC foreman resulted in a significant violation of the employee protection standards set forth in 10 CFR 50.7. Given that the violation was caused by an individual who was acting as a first line supervisor, the violation, which is set forth in the enclosed Notice of Violation (Notice), is categorized at Severity Level III in accordance with the NRC Enforcement Policy, "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600 (Enforcement Policy).

The NRC acknowledges the actions taken by WPC to address the environment for raising safety concerns at the Seabrook Station. These actions, which were described at the conference, included, but were not limited to: (1) reinstating the electrician; (2) informing your supervisory and craft employees about the event; (3) improving the quality of documentation supporting personnel actions; and (4) reinforcing your commitment to a safety conscious work environment (SCWE) to your entire workforce at the Seabrook station. However, to emphasize the importance of continuously assuring a work environment that is free of harassment, intimidation, or discrimination against those who raise safety concerns, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation to Williams Power Corporation for the Severity Level III violation described above.

Based on the information provided at the conference and on further evaluation of the results of the OI investigation, the NRC has concluded that no violations of 10 CFR 50.9, "Completeness and Accuracy of Information," or 10 CFR 50, Appendix B, Criterion XVI, "Corrective Action," occurred. Specifically, the NRC concluded that, because the wiring discrepancy was identified in the work document, the documentation of the CBA control panel work activities was accurate. Additionally, because the wiring discrepancy was corrected before the CBA system was returned to service, the NRC concluded that the corrective actions for the discrepant condition were not untimely. However, the failure to terminate the conductors in accordance with the applicable design document and the failure to generate an Adverse Condition Report (ACR) for the wiring discrepancy by the end of the day on which it was discovered, constituted violations of requirements contained in Seabrook site procedures. These violations were of minor significance and are not subject to formal enforcement action.

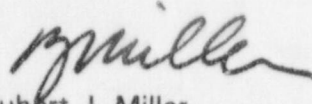
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Mr. Kenneth W. Robuck

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy or proprietary information so that it can be placed in the PDR without redaction.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Miller", written in dark ink.

Hubert J. Miller  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Letter and Notice of Violation and Proposed Imposition of Civil Penalty to  
North Atlantic Energy Services Company

cc w/encl:

Mr. T. C. Feigenbaum, Executive Vice President and Chief Nuclear Officer, NAESCo

Mr. Kenneth W. Robuck

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