



Department of Energy
Washington, DC 20585

April 19, 2004

Mr. Robert A. Pedde, []
Westinghouse Savannah River Company
Savannah River Site
Building []/Room []
Aiken, SC 29808

Subject: Enforcement Letter Addressing Employee Reprisal
(NTS-SR-WSRC-CLOSEGEN-2003-0001)

Dear Mr. Pedde:

On October 13, 2003, Westinghouse Savannah River Company (WSRC) reported a noncompliance into the Noncompliance Tracking System (NTS) involving an employee reprisal. The employee was terminated from WSRC after raising safety-related issues and procedural violations while positions in his area of expertise were available elsewhere at the site. The matter was investigated as an employee concern and the employee was reinstated.

Our review of the Investigation Report dated October 1, 2003, indicates that the matter was taken seriously and the report is complete in all significant respects. Indeed, the ultimate finding of the report was that "...the allegation of reprisal is substantiated." We are pleased with the candor of the report and with efforts made by the company to establish appropriate procedures and precedents in its implementation of 10 CFR 708, *DOE Contractor Employee Protection Program*.

There is one element of the NTS report, however, that is worthy of your attention. In the description of the noncompliance condition, it is stated, "...insufficient evidence was found to indicate reprisal was malicious or intentional." This statement is at clear variance with the definition of reprisal, which is uniformly considered to be an act of retaliation. We understand that a Management Accountability Assessment is being conducted and should be completed within a short time. We trust that the assessors will understand and appreciate that a wrongful job termination cannot under any circumstances be unintentional and non-malicious.

My office will continue to monitor WSRC's institutional resolution of this issue and we appreciate the helpfulness of your Price-Anderson Coordinator in this regard. If you have any questions, please contact me at (301) 903-0100, or have your staff contact Howard Wilchins at (301) 903-0107.

Sincerely,



Stephen M. Sohinki
Director
Office of Price-Anderson Enforcement

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