

No. 95-61
Tel. 301/415-8200
Internet:OPA@NRC.GOV

FOR IMMEDIATE RELEASE
(Monday, May 8, 1995)

NRC WITHDRAWS PROPOSED FINE
AGAINST HOUSTON LIGHTING AND POWER COMPANY

The Nuclear Regulatory Commission has withdrawn a notice of violation and proposed fine of \$100,000 against Houston Lighting and Power Company (HL&P) for what was believed to be discrimination against a contractor employee at the utility's South Texas Project nuclear power plant. The employee had brought complaints of possible safety problems to the agency's attention.

The NRC proposed the fine last October and, at the same time, issued formal demands for information concerning the matter to HL&P and two utility officials who figured in the case, Richard L. Balcom and William J. Jump.

These actions resulted from the findings of an NRC investigation into the circumstances of HL&P's actions more than two years earlier in revoking the access to the plant of the contractor employee, Thomas Saporito, and thus causing him to lose his job.

On February 10, 1992, Mr. Saporito petitioned the NRC to take action in response to alleged violations of South Texas security and work process procedures. On February 21, 1992, HL&P revoked Mr. Saporito's access to the South Texas site on the grounds that he had willfully omitted material information about his previous work history from his access authorization request.

In March 1992, Mr. Saporito filed a complaint with the Department of Labor alleging discrimination on the part of HL&P because of his contacts with the NRC. The Labor Department's Wage and Hour Division district director ruled in favor of Mr. Saporito on June 30, 1992. A HL&P appeal is still pending with the Department of Labor.

HL&P replied to the proposed civil penalty and the demand for information in December 1994 denying that a violation had occurred and indicating that, in its view, neither Mr. Blacom nor

Mr. Jump had discriminated against any individual engaged in protected activities.

-2-

As a result, the staff invited the utility and Messrs. Balcom and Jump to an enforcement conference at NRC headquarters. A number of clarifying questions were posed at that meeting which held on February 22.

Based on the clarification of previously submitted information and additional information presented during the enforcement conference, the staff believes that, on balance, the current record supports the view that multiple omissions of potentially derogatory information provided by Mr. Saporito provided a legitimate basis for HL&P to revoke his unescorted access. The NRC specifically took notice of evidence HL&P submitted to support its contention that its actions in the Saporito case were consistent with other instances when individuals' site access was revoked because of the willful omission of information from disclosure forms.

The decision to withdraw the notice of violation and civil penalty is, however, without prejudice to the possibility of further action based on any evidence and/or decision resulting from the related case now pending before the Department of Labor.

#