



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

AUG 2 - 1994

Docket Nos. 50-387  
50-388

EA No. 94-144

Mr. Robert G. Byram  
Senior Vice President - Nuclear  
Pennsylvania Power and Light Company  
2 North Ninth Street  
Allentown, Pennsylvania 18101

Dear Mr. Byram:

**SUBJECT: EMPLOYEE PROTECTION CONCERN**

On June 13, 1994, the U.S. Department of Labor's Wage and Hour Division in Wilkes-Barre, Pennsylvania, received a complaint from an employee of Pennsylvania Power and Light Company, Susquehanna Steam Electric Station (SSES). The employee alleged that since informing the NRC of improprieties relative to certain activities at SSES, the individual's supervisor engaged in discrimination by evaluating the employee's performance at a lower level than was previously done. The employee claimed that the downgrading in performance was a result of reporting to the NRC conditions which the individual believed could lead to, or cause violations of, NRC regulatory requirements.

In response to that complaint, the Wage and Hour Division conducted an investigation. In a letter dated July 13, 1994, 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.

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 employee may have had a chilling effect on other licensee or contractor personnel sufficient to deter them from identifying any nuclear safety related concerns they may have.

Accordingly, pursuant to Sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of

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this letter, a response in writing and under oath or affirmation that describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns. After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

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).

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, Pub. L. No. 96-511.

Sincerely,



Thomas T. Martin,  
Regional Administrator

cc:

H. G. Stanley, Vice President-Nuclear Operations, PP&L  
Public Document Room (PDR)  
Local Public Document Room (LPDR)