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 AUTH.NAME AUTHOR AFFILIATION
 BLOUGH,A.R. Region 1 (Post 820201)
 RECIP.NAME RECIPIENT AFFILIATION
 BYRAM,R.G. Pennsylvania Power & Light Co.

SUBJECT: Discusses OI investigation 1-1998-016 to determine if former
 PP&L engineering dept manager terminated for raising safety
 concerns.OI did not substantiate that termination result of
 individual having raised safety concerns.Synopsis encl.

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May 24, 1999

Mr. Robert G. Byram
Senior Vice President - Nuclear
PP&L, INC.
Susquehanna Steam Electric Station
2 North Ninth Street
Allentown, Pennsylvania 18101

SUBJECT: OFFICE OF INVESTIGATIONS (OI) REPORT NO. 1-1998-016
(DEPARTMENT OF LABOR (DOL) CASE NO. 3-0110-98-044)

Dear Mr. Byram:

On March 25, 1998, the NRC's Office of Investigations (OI) initiated an investigation to determine if a former PP&L engineering department manager was terminated from the Susquehanna Steam Electric Station for raising safety concerns. The OI investigation, documented in OI Report No. 1-1998-016, was completed on April 9, 1999. Based on the evidence developed during the investigation, OI did not substantiate that the termination was the result of the individual having raised safety concerns while a PP&L employee.

On August 7, 1998, the U.S. Department of Labor's (DOL) Occupational Safety & Health Administration (OSHA) Region III office in Philadelphia, Pennsylvania, received a complaint on this matter filed by the former PP&L employee. On November 18, 1998, the OSHA Regional Supervisor issued a decision on this case and concluded that "The individual was an employee who engaged in protected activity within the scope of the Act, and that discrimination as defined and prohibited by the statute was a factor in the actions which comprise the complaint." PP&L subsequently appealed the decision and action is currently pending before a DOL Administrative Law Judge. After the Administrative Law Judge has issued a decision, the NRC will determine whether any NRC enforcement action is warranted.

A copy of the synopsis of the OI investigation report is enclosed. In addition, the NRC has received a request from a member of Congress for the redacted report and exhibits. Therefore, the NRC Office of Investigations will provide the parties involved in the DOL hearing and the Congressman, under separate cover, a copy of the requested documents.

While the OI investigation did not substantiate that the individual was discharged for raising safety concerns, the testimony developed during the investigation indicated that an environment existed within the PP&L organization that may have detracted from a safety conscious work environment. Specifically, a perception may have existed that station management was not receptive to being questioned in an open forum. Although the weight of the testimony indicated that recognized safety issues were aggressively pursued by station management, any perceived barriers to raising concerns must be addressed.

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Mr. Robert Byram

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Through ongoing communications with PP&L management and through recent inspection activities, the NRC is aware that PP&L has initiated a number of actions designed to improve the safety conscious work environment at the station. These actions, which were summarized in your letter to us dated January 21, 1999, included focused communications with your staff, training of both staff and management, and periodic surveys to assess progress.

Because of the importance of a safety conscious work environment, we would like to meet with you to hear about your progress and any additional planned actions. This discussion could be accomplished at the meeting to discuss the results of our Plant Performance Review which is currently scheduled for July 14, 1999. If this is not convenient, please contact Mr. Curtis Cowgill at (610) 337-5233 to arrange an alternate time and date for such a meeting.

Sincerely,

ORIGINAL SIGNED BY:

A. Randolph Blough, Director
Division of Reactor Projects

Docket Nos. 50-387;50-388

Enclosure: OI Synopsis

cc w/encl:

R. F. Saunders, Vice President - Nuclear Site Operations
G. T. Jones, Vice President - Nuclear Engineering and Support
G. Kuczynski, General Manager - SSES
T. J. Harpster, Manager, Nuclear Licensing
G. D. Miller, General Manager - Nuclear Engineering
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Commonwealth of Pennsylvania

Mr. Robert Byram

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per telcon
w/ Stan Koltstein
5/24/99

SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI) on March 25, 1998, to determine whether a manager at the Susquehanna Steam Electric Station (SSES), Pennsylvania Power and Light (PP&L), was discriminated against for raising safety concerns.

Based on the evidence developed during this investigation, OI did not substantiate that the termination of the manager's employment by PP&L was as a result of the manager having raised safety concerns while a PP&L employee.

