

Official

SEP 10 1993

Virginia Electric and Power Company
ATTN: Mr. W. L. Stewart
Senior Vice President - Nuclear
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Gentlemen:

SUBJECT: COMPLAINT OF ALLEGED DISCRIMINATION

On April 26, 1993, the U.S. Department of Labor's Wage and Hour Division in Richmond, Virginia, received a complaint from a former employee of Fluor Daniel, Inc., a Virginia Electric and Power Company contractor at the Surry Nuclear Plant. The former employee alleged that his employment had been terminated on March 19, 1993, because he had raised safety concerns while performing his duties at the Surry Nuclear Plant. In response to that complaint, the Wage and Hour Division secured an employee/employer conciliation.

While we recognize that Fluor Daniel, Inc., appears to have settled its differences with this individual, NRC must review this matter to determine whether a violation of 10 CFR 50.7 may have occurred. Such a violation, if it occurred, could have a chilling effect on other licensee or contractor personnel in that it might deter them from identifying any nuclear safety-related concerns they may have. While we realize that this employment action involved your contractor, it is incumbent upon you as the NRC licensee to ensure your contractors and subcontractors fully comply with the requirements of the Energy Reorganization Act and 10 CFR 50.7 that prohibit discrimination for raising safety concerns.

Therefore, you are requested to provide this office, within 30 days of the date of this letter, a response which:

1. Provides the basis for the employment action regarding the former contractor employee and includes a copy of any investigation reports you have regarding the circumstances of the action;
2. 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; and
3. Describes the programs you have implemented to ensure that your contractors and subcontractors are aware of and comply with the requirements of 10 CFR 50.7 and the Energy Reorganization Act that preclude discrimination against employees for raising safety concerns.

A similar letter has also been sent to Fluor Daniel, Inc.

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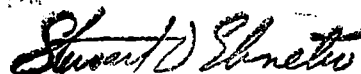
Your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room. If personal privacy information is necessary to provide an acceptable response, then please provide 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).

After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

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,



Stewart D. Ebnetter
Regional Administrator

cc: U.S. Department of Labor
Employment Standards Administration
ATTN: Mr. Alfred H. Perry
Acting Regional Director
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Atlanta, Georgia 30367

cc con't: (see next page)

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cc con't: Department of Labor/ESA
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Richmond, VA 23209

cc con't: (see next page)

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J. Lieberman, OE
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GRJenkins
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LAReyes
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bcc: J. Lieberman, OE
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