

VIRGINIA ELECTRIC AND POWER COMPANY  
RICHMOND, VIRGINIA 23261

October 8, 1993

Mr. Stewart D. Ebnetter  
Regional Administrator  
United States Nuclear Regulatory Commission  
Region II  
101 Marietta Street, N. W.  
Suite 2900  
Atlanta, Georgia 30323

Serial No. 93-603  
SPS/RCB R4  
Docket Nos. 50-280  
50-281  
License Nos. DPR-32  
DPR-37

Dear Mr. Ebnetter:

**VIRGINIA ELECTRIC AND POWER COMPANY**  
**SURRY POWER STATION UNITS 1 AND 2**  
**RESPONSE TO A COMPLAINT OF ALLEGED DISCRIMINATION**

In response to your letter dated September 10, 1993, concerning a U. S. Department of Labor complaint, attached is a summary of the basis for employment action, the actions taken or planned to assure no chilling effect on employees raising perceived safety concerns, and the programs implemented to assure contractors and subcontractors are aware of and comply with the requirements which preclude discrimination against employees for raising safety concerns.

We have no objections to this letter being made a part of the public record. Please contact us if you have any questions or require additional information.

Very truly yours,

  
W. L. Stewart

Attachment

cc: U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D. C. 20555

Mr. M. W. Branch  
NRC Senior Resident Inspector  
Surry Power Station

9310180295 931008  
PDR ADOCK 05000280  
P PDP

1

IE01  
11

**RESPONSE TO NRC REQUEST REGARDING  
U. S. DEPARTMENT OF LABOR COMPLAINT**

- (1) **Basis for employment action and a copy of any investigation reports regarding the circumstances of the action.**

On March 19, 1993, during the recent Unit 2 Refueling Outage at Surry Power Station, a contract employee was terminated by Fluor Daniel, Inc., a Virginia Electric and Power Company contractor. The terminated employee filed a complaint with the U. S. Department of Labor in which he alleged that his termination was a result of his raising safety concerns at Surry Power Station. Specifically, the employee had refused to proceed with an assigned task because he felt it required bypassing a Quality Control "hold point." At the time of the event, the Surry Quality Control (QC) Organization did not have an inspector available to sign off the step in the procedure. However, because of the type of work being performed, the on-shift QC Coordinator evaluated the task and informed the Fluor Daniel foreman in charge of the work that the job could proceed. The QC Coordinator determined that no hold point would in fact be bypassed because the area to be inspected would be clearly visible and accessible for QC inspection at a later time. In spite of his own management's direction and Surry QC concurrence, the contract employee refused to proceed. According to Fluor Daniel management, this unwillingness to follow reasonable instructions as well as his refusal to properly deal with his supervisors resulted in the employee's termination. It should be noted that the decision to terminate the employee was made exclusively by Fluor Daniel management with no Virginia Electric and Power Company direction.

During subsequent actions on the part of the Department of Labor and Fluor Daniel, a satisfactory settlement was reached with the terminated employee, and no formal investigations were conducted by any of the parties concerned.

- (2) **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 questions.**

Both Virginia Electric and Power Company and contractor employees are provided with Nuclear Employee Training upon initial employment and on an annual basis thereafter. Included in this training is indoctrination in worker's rights, 10CFR19, and NRC Form 3. It has been in the past and remains Company policy to encourage employees to identify safety issues to their management and to assure that they know their rights with respect to raising safety concerns. Use of the station's corrective action process is emphasized and encouraged. This process consists of deficiency identification, evaluation, corrective action implementation, and verification of the action's effectiveness. A principal part of the identification portion is the Station Deviation Reporting System. Employees are encouraged to use this system to identify conditions adverse to quality in

order to bring such conditions to management attention. A low threshold of sensitivity is maintained in the process and employees are not criticized or subjected to prejudicial treatment as a result of coming forward with a deviation report. Should the employee desire confidentiality, problems or potential problems related to station safety, reliability, and availability due to human performance may be reported via the Human Performance Enhancement System (HPES). Employee concerns may be documented on HPES Forms and mailed confidentially to the Coordinator. The HPES Coordinator is a working level, non-supervisory position. In both the Deviation Report and the HPES processes, the reports are evaluated, corrective action is implemented if warranted, and the effectiveness of the process is evaluated. A Station administrative directive, VPAP-0204, "Allegations of Conditions Adverse to Safety," was recently promulgated to provide guidance for processing allegations. In addition, Corporate and Station Management were recently briefed on "whistle blower" concerns.

- (3) **Programs implemented to assure that contractors and subcontractors are aware of and comply with 10CFR50.7 and the Energy Reorganization Act that preclude discrimination against employees for raising safety concerns.**

Under our contractual "General Terms and Conditions," Virginia Electric and Power Company specifies that suppliers and vendors accepting purchase orders or entering into contracts "shall comply with all federal, state and local laws, rules, regulations and ordinances applicable to the performance" of the work or services rendered. The terms further stipulate that "(E)xecution of this order shall constitute written assurance from Supplier that it recognizes its responsibilities and obligations to its employees" under such federal, state and local laws, rules, regulations and ordinances.

As stated earlier, Virginia Electric and Power Company through its Nuclear Employee Training Program periodically stresses employee rights to both company and contractor personnel performing work at its nuclear stations. This training must be successfully completed by each person working on the site in order to receive and maintain access authorization at the nuclear stations. Training on submitting a Deviation Report and a HPES report is included in the Nuclear Employee Training Program. In addition, appropriate notices are conspicuously posted throughout the site to advise company and contractor personnel of their right to raise safety-related concerns without fear of retaliation.

These measures, the Deviation Reporting and HPES processes, and the management training and documentation requirements of VPAP-0204, provide adequate visibility and appropriate handling of employee concerns in compliance with federal laws and regulations including 10CFR50.7.