



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

DEC 14 1990

Docket Nos. 50-445
50-446
License Nos. NPF-87
CPPR-127

TU Electric
ATTN: W. J. Cahill, Jr., Executive
Vice President, Nuclear
Skyway Tower
400 North Olive Street, L.B. 81
Dallas, Texas 75201

Gentlemen:

On August 21, 1990, the U.S. Department of Labor's (DOL) Wage and Hour Division in Fort Worth received a complaint from a former employee of Nuclear Support Services, Inc., a TU Electric contractor at the Comanche Peak Steam Electric Station (CPSES). DOL's receipt of this complaint was documented in an August 21, 1990, letter to M. D. Spence of TU Electric. The former employee alleged that she had been terminated from her position because she had raised safety concerns while performing her duties at CPSES. In response to that complaint, the Wage and Hour Division conciliated an agreement between the parties. On September 21, 1990, DOL's Fort Worth office was mailed a copy of a check that was issued to the complainant to settle the matter.

While we recognize that TU Electric's contractor 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.

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 this former contractor employee, referenced in the complaint filed with DOL, and includes a copy of or synopsis of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any, taken or planned to assure that this matter does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

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P PDR

TU Electric

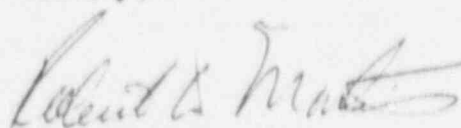
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After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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,



Robert D. Martin
Regional Administrator

cc:
TU Electric
ATTN: Roger D. Walker, Manager
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Skyway Tower
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Dallas, Texas 75201

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President - CASE
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Newman & Holtzinger, P.C.
ATTN: Jack R. Newman, Esq.
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Texas Department of Labor & Standards
ATTN: G. R. Bynog, Program Manager/
Chief Inspector
Boiler Division
P.O. Box 12157, Capitol Station
Austin, Texas 78711

Honorable George Crump
County Judge
Glen Rose, Texas 76043

Texas Radiation Control Program Director
1100 West 49th Street
Austin, Texas 78756

Curtis L. Poer
District Director, U.S. Dept. of Labor
Employment Standards Administration
Wage and Hour Division
819 Taylor Street, Room 7A12
Fort Worth, Texas 76102

DEC 14 1990

TU Electric

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bcc:
 DMB (IE01) ✓
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 M. Fields, NRR Project Manager (MS: 13H-15)
 J. Sniezek, DEDR
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 J. Goldberg, OGC
 G. Sanborn
 RSTS Operator
 MIS File
 RIV File

IE01
 " "

RIV: A *AW*
 R Wise
 12/7/90

EO *GFS*
 GFSanborn
 12/10/90

D/DRP
 SJC Collins
 12/11/90

RA *(M)*
 RDMartin
 12/14/90