



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

JUN - 1 1993

Dockets: 50-498
50-499
Licenses: NPF-76
NPF-80
Allegation No. RIV-93-A-0072

Houston Lighting & Power Company
ATTN: William T. Cottle, Group
Vice President, Nuclear
P.O. Box 1700
Houston, Texas 77251

Gentlemen:

This is in reference to your May 28, 1993, telephone conversation with Mr. Jim Milhoan. During this conversation, you were advised that Region IV had received information related to statements that were allegedly made by a manager in your organization during a meeting in which station problem reports were discussed. Commenting about the originator of a station problem report, the manager allegedly stated that he should be fired. Based on the information that we received, we believe this matter is worthy of your prompt attention due to the potential chilling effect which may be perceived by members of the site staff. This allegation, if substantiated, would cause significant doubt about the effectiveness of the measures you have taken to provide increased assurance that HL&P and contractor employees are not discouraged from raising safety concerns. These measures were discussed in your letter of May 21, 1993.

We hereby request that you review the attached allegation. As part of your review, we request that you conduct whatever inspections or investigations as are necessary to reasonably prove or disprove the allegation. Finally, we request that you inform NRC, Region IV of the resolution of this matter and make records of your completed action available for NRC inspection. Of course, a substantiated allegation may warrant corrective action, and we would expect you to be prompt and diligent in implementing such corrective measures.

Should you have any further questions concerning our requests or our role in this matter, please contact me at (817) 860-8223.

Sincerely,

A. Bill Beach, Director
Division of Reactor Projects

Enclosure:
As stated

9510260112 950105
PDR FOIA
LAWRENC93-642 PDR

KE

JS/6

Refer to RIV

Statement of Concern:

Reference: Allegation No. RIV-93-A-0072

On May 27, 1993, a concerned employee expressed the following:

Allegedly, a station problem report was written by a licensing engineer as a result of a failure to meet an NRC commitment date. The Deputy Plant Manager, speaking to the Corrective Action Group Manager, said we need to fire this guy, referring to the licensing engineer who originated the station problem report. This comment has a potential to cause a chilling effect.

The employee further stated that the Deputy Plant Manager directed that the Quality Assurance group be excluded from ESF/Trip Reduction task force meetings.

bcc:
(NOTE TO TYPIST GOES IN ADDRESSEE ONLY ENVELOPE)
ABBeach
WDJohnson
Rwise

RIV:AC
Rwise
5/27/93

EQ *[Signature]*
GFSahborn
5/28/93

RC *[Signature]*
WLBrown
5/28/93

C:PSA *[Signature]*
WDJohnson
5/28/93

D:DRP *[Signature]*
ABBeach
5/28/93

1/15/93

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**ALLEGATION REVIEW PANEL
SUMMARY**

Allegation Number RIV-92-A-0144

1. The RIV Allegation Review Panel met on January 5, 1993 at 3:00 p.m.
RE-ARP June 7, 1993, >120 days, RE-ARP June 14, 1993
2. ARP Members:
 - A. B. Beach or T. P. Gwynn
 - S. J. Collins or I. Barnes (Acting)
 - L. J. Callan or J.P. Jaudon
 - W. L. Brown
 - R. J. Doda or C. A. Hackney (Agreement State only)
 - E. L. Williamson or Designate
 - G. F. Sanborn

* Denotes ARP Chairman
3. Facility/Licensee: South Texas
4. Allegation Summary: STP has a procedure and Mr. Hall has issued a memorandum that encourages employees to identify concerns to management. Both of the documents state that no retaliation will be taken if the concerns are identified. However, on two separate occasions Bill Blair, Manager of Nuclear Training reprimanded two instructors after they identified concerns to Mr. Blair. In the first case, Jim Parrish was severely chastised for reporting work that was done outside procedure. Mr. Parrish wrote a SPR and after being "chewed out" he withdrew the SPR. The other case, Brinson Savage attended a meeting where Mr. Blair had incorrectly explained how craft people were tested. Mr. Savage corrected Mr. Blair (according to the alieger - very tactfully) and a written reprimand was placed in his personnel file. The alieger knows that these actions will have a chilling effect on others in the Nuclear Training Department.
5. Priority/Safety Significance: Low/Low
6. Potential Wrongdoing: Yes / No, If yes, explain, None identified
7. Responsibility Assignment: Division/Section: DRP/PSD *DRP - will submit*
8. Resolution Plan: *additionally make sure SPR on the involvement of Barnes*
RI to interview individuals, determine whether there is anything of substance worth pursuing. DRP reported that review of the allegation will be performed during week of 6/14/93. RE-ARP after review has been conducted. Suggested OI to interview Barnes & Savage to determine if they felt harassed or intimidated.
9. Potential Regulatory Requirements: Possible 50.7
10. Additional Comments: The potential chilling effect issues should be addressed. The letter of reprimand that was given to one of the instructors may have prevented that individual from being promoted until the letter of reprimand expired.
11. Prepared by: R. Wise, Allegations Coordinator
January 15, 1993
June 14, 1993

Shaded Bold Italic Print - Results of ARP Meeting

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55/12
REL *Refer to RIV*

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ALLEGATION REVIEW PANEL
SUMMARY

Allegation Number RIV-92-A-0144

1. The RIV Allegation Review Panel met on January 5, 1993 at 3:00 p.m.
2. ARP Members: *A. B. Beach or T. P. Gwynn
 S. J. Collins or D. D. Chamberlain
 L. J. Callan or J.P. Jaudon
 W. L. Brown
 R. J. Doda or C. A. Hackney (Agreement State only)
 E. L. Williamson or Designate
 G. F. Sanborn
 * Denotes ARP Chairman
3. Facility/Licensee: South Texas
4. Allegation Summary: STP has a procedure and Mr. Hall has issued a memorandum that encourages employees to identify concerns to management. Both of the documents state that no retaliation will be taken if the concerns are identified. However, on two separate occasions Bill Blair, Manager of Nuclear Training reprimanded two instructors after they identified concerns to Mr. Blair. In the first case, Jim Parrish was severely chastised for reporting work that was done outside procedure. Mr. Parrish wrote a SPR and after being "chewed out" he withdrew the SPR. The other case, Brinson Savage attended a meeting where Mr. Blair had incorrectly explained how craft people were tested. Mr. Savage corrected Mr. Blair (according to the allegor - very tactfully) and a written reprimand was placed in his personnel file. The allegor knows that these actions will have a chilling effect on others in the Nuclear Training Department.
5. Priority/Safety Significance: Low/Low
6. Potential Wrongdoing: Yes / No, If yes, explain None identified
7. Responsibility Assignment: Division/Section: DRP/PSD
8. Resolution Plan: RI to interview individuals, determine whether there is anything of substance worth pursuing.
 Target Closure Date: Initial Letter:
 Inspection: Referral:
 OI Action:
9. Potential Regulatory Requirements:
10. Additional Comments:
11. Prepared by: R. Wise, Allegations Coordinator January 15, 1993

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ALLEGATION REVIEW PANEL
SUMMARY

Allegation Number RIV-92-A-0144

1. The RIV Allegation Review Panel met on January 5, 1993 at 3:00 p.m.
RE-ARP June 14, 1993, RE-ARP JUNE 28, 1993, RE-ARP July 7, 1993

2. ARP Members: A. B. Beach or T. P. Gwynn
S. J. Collins or A. T. Howell
L. J. Callan or D. D. Chamberlain
W. L. Brown
R. J. Doda or C. A. Hackney (Agreement State only)
E. L. Williamson or Designate
G. F. Sanborn

* Denotes ARP Chairman

3. Facility/Licensee: South Texas

4. Allegation Summary: STP has a procedure and Mr. Hall has issued a memorandum that encourages employees to identify concerns to management. Both of the documents state that no retaliation will be taken if the concerns are identified. However, on two separate occasions, Manager of Nuclear Training reprimanded two instructors after they identified concerns. In the first case, one instructor was severely chastised for reporting work that was done outside procedure. After the individual wrote a SPR, he was "chewed out" and he withdrew the SPR. The other case, another individual attended a meeting where Manager of Training had incorrectly explained how craft people were tested. The individual corrected the manager (according to the alleged - very tactfully) and a written reprimand was placed in his personnel file. The alleged knows that these actions will have a chilling effect on others in the Nuclear Training Department.

5. Priority/Safety Significance: Low/Low

6. Potential Wrongdoing: Yes / No. If yes, explain, None identified

7. Responsibility Assignment: Division/Section: DRP/PSD

8. Resolution Plan: RI to interview individuals, determine whether there is anything of substance worth pursuing. DRP reported that review of the allegation will be performed during week of 6/14/93. RE-ARP after review has been conducted. DRP to discuss SRI review with SRI upon his return week of 6/21. RE-ARP as soon as DRP obtains information. DRP contacted SRI, SRI discussed the letter of reprimand with the individual. The individual believes that the letter delayed his promotion for 90 days. The issue has the potential for a 50.7 violation.

9. Potential Regulatory Requirements: 10 CFR 50.7

10. Additional Comments: The potential chilling effect issues should be addressed. The letter of reprimand that was given to one of the instructors may have prevented that individual from being promoted until the letter of reprimand expired. DRP will discuss matter when SRI arrives in RIV, RE-ARP on 7/6/93. See attached page.

11. Prepared by: R. Wise, Allegations Coordinator January 15, 1993
July 7, 1993

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Handwritten: To RIV ✓

Attachment

Manager, Bill Blair, has remained in management. The individuals that were affected by Blair's actions were Savage and Parish. If the allegation was permitted to occur, a violation of STP procedures would have occurred.

Individual that received a 90 day reprimand letter was told that he was not "playing ball" and believes that action was unnecessary. However, he did not cease from identifying concerns to management.

AC will attempt to contact individuals about DOL rights.

Joe Tapia will document interviews of instructors in a memorandum to AC.

Potential 50.7 violation may have occurred. OI and AC will discuss specifics with individuals. OI may interview individuals.

Refer to RIV

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ALLEGATION REVIEW PANEL
SUMMARY

Allegation Number RIV-93-A-0072

1. The RIV Allegation Review Panel met on MAY 27, 1993.
2. ARP Members: *A. B. Beach or T. P. Gwynn
S. J. Collins or A. T. Howell
L. J. Callan or D. D. Chamberlain
W. L. Brown
R. J. Doda or C. A. Hackney (Agreement State only)
E. L. Williamson or D. Gietl
G. F. Sanborn

* Denotes ARP Chairman

3. Facility/Licensee: South Texas Project
4. Allegation Summary: On May 27, 1993, Director of QA came to the SRI's office and reported a concern that a station problem report was written by a licensing engineer as a result of a failure to meet an NRC commitment date. The Deputy Plant Manager told the Corrective Action Group Manager, we need to fire this SOB in reference to the licensing engineer. The Director of QA fees that this comment has a potential to cause a chilling effect. The QA Director also stated that the DPM directed that the QA group be excluded from ESF/Trip Reduction task force meetings, and provided names of witnesses to the statements.
5. The ARP considered the following:

Referral to Facility	Safety Significance	Potential Wrongdoing	Priority
<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>High/Low</u>

6. Responsibility Assignment: DRP DRS DRSS OI
7. Resolution Plan: No adverse action has been taken against anyone. Contact Group VP advise him of the allegation. C:PSD & AC will advise allegor of referral to VP.
8. Potential Regulatory Requirements: _____
9. Additional Comments:
10. Prepared by: R. Wise, Allegations Coordinator June 18, 1993

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REV

55/S
R. Wise

ALLEGATION MANAGEMENT SYSTEM

ALLEGATION NUMBER - RIV-93-A-0072

RUN DATE: 06/02/93

DOCKET/FACILITY/UNIT: 05000498 / SOUTH TEXAS 1
DOCKET/FACILITY/UNIT: 05000499 / SOUTH TEXAS 2
DOCKET/FACILITY/UNIT: /
DOCKET/FACILITY/UNIT: /

/ 1
/ 2
/
/

ACTIVITY TYPES - REACTOR

MATERIAL LICENSES -

FUNCTIONAL AREAS - OTHER

POTENTIAL HARASSMENT & INTIMIDATION

DESCRIPTION - STATEMENTS WERE MADE BY AN HL&P MANAGER THAT COULD BE CONSIDERED AS H&I AND COULD HAVE A POTENTIAL CHILLING EFFECT ON OTHER EMPLOYEES IF THE THREAT WAS CARRIED OUT. THE CONCERNS - CONCERNS WERE IDENTIFIED TO HL&P GROUP VP - REFERRAL LTR TO LICENSEE VP.
1

SOURCE - LICENSEE EMPLOYEE

CONFIDENT - NO

RECEIVED - 930527 BY - J. TAPIA

/ RIV

ACTION OFFICE CONTACT - W. JOHNSON

RESPONSIBLE PGM OFFICE - R VIOLATION SECTION 210 ALLEGED - YES

STATUS - OPEN SCHED COMPLETION - 931127 DATE CLOSED -

ALLEGATION SUBSTANTIATED -

ALLEGER NOTIFIED -

OI ACTION - OI REPORT NUMBER -
REMARKS - 6/1/93 REFERRAL LTR TO HL&P

5/27/93 ARP CONVENED - REFER TO HL&P
REFER

ACTION: REVIEW LICENSEE RESPONSE WHEN REC'D

ENTERED SYSTEM - 930601 CLOSED SYSTEM -

RECORD CHANGED - 930602

55/7

REL

Refer to RIV

SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N STREET, N.W.
WASHINGTON, D.C. 20037-1128
(202) 663-8000
FACSIMILE
(202) 663-8007

1501 FARM CREDIT DRIVE
MCLEAN, VIRGINIA 22102-5004

201 LIBERTY STREET, S.W.
LEESBURG, VIRGINIA 22075-2721

December 14, 1993

Mr. Donnie H. Grimsley, Director
Division of Freedom of Information and
Publications Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-642

Rec'd 12-16-93

Re: Freedom of Information Act Request

Dear Mr. Grimsley;

Pursuant to the Freedom on Information Act (5 U.S.C. § 552) and the U.S. Nuclear Regulatory Commission ("NRC") regulations (10 C.F.R. Part 9, Subpart A), please provide copies of records^{1/} pertaining to the following:

1. Any and all correspondence between the NRC and Houston Lighting & Power Company ("HL&P"), and any and all other records associated with such correspondence, involving claims of employment discrimination at the South Texas Project ("STP") filed pursuant to Section 211 (formerly Section 210) of the Energy Reorganization Act of 1974, as amended (42 U.S.C. § 5851), from January 1, 1988, through and including the date of this letter (December 14, 1993).
2. Any and all NRC enforcement actions that were considered but not taken, and NRC enforcement actions that were issued, and NRC enforcement actions that are currently pending, and any and all other records associated with such NRC enforcement actions, involving

^{1/} Reference to the term "records" means any and all printed or written materials regardless of form or characteristic, including but not limited to reports, memoranda, correspondence, statements, studies, spreadsheets, charts, graphs, agendas, outlines, summaries, notes, notebooks, telephone conversation logs, or meeting minutes, as well as any and all sound recordings, videotapes, computer discs, or photographs. See also 10 C.F.R. § 9.13.

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Mr. Donnie H. Grimsley

December 14, 1993

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violations or potential violations at STP of the NRC regulations at 10 C.F.R. § 50.7, from January 1, 1988, through and including the date of this letter (December 14, 1993).

3. Any and all NRC investigations or inspections, including but not limited to those conducted by the NRC Office of Investigations, and any and all other records of such investigations or inspections, associated with either Section 211 (or 210) claims of employment discrimination, or violations or potential violations of 10 C.F.R. § 50.7, at STP from January 1, 1988, through and including the date of this letter (December 14, 1993).
4. Any and all NRC correspondence with the Department of Labor, and any and all other records associated with such correspondence, regarding Section 211 (or 210) claims of employment discrimination at STP from January 1, 1988, through and including the date of this letter (December 14, 1993).
5. Any and all NRC correspondence with the Department of Justice, and any and all other records associated with such correspondence, involving activity associated with claims of employment discrimination at STP from January 1, 1988, through and including the date of this letter (December 14, 1993).
6. If not already encompassed by the records requested in Items 1-5 above, copies of any and all records supplied to representatives of the law firm of Newman & Holtzinger in response to FOIA-93-606.

To the degree that any or all of the above-requested records are already publicly available and readily retrievable in the Washington, D.C. area, please provide a list of such records with the appropriate references to facilitate acquisition.

If any or all of this request is denied, please cite the specific exemption(s) that supposedly justify the refusal to publicly release the records, and inform me of any appeal procedures available under the law. I would appreciate the handling of this request as quickly as possible, and look forward to hearing from you within 10 days as required by law. Finally, please advise me of the cost involved in obtaining these records.

SHAW, PITTMAN, POTTS & TROWBRIDGE

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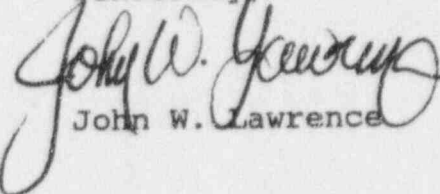
Mr. Donnie H. Grimsley

December 14, 1993

Page 3

If you need any further information to process this request, please do not hesitate to call me during the day at (202) 663-8139.

Sincerely,

A handwritten signature in cursive script that reads "John W. Lawrence". The signature is written in dark ink and is positioned above the printed name.

John W. Lawrence