

APR 09 1992

Docket Nos. 50-352  
50-353

Mr. D. M. Smith  
Senior Vice President - Nuclear  
Philadelphia Electric Company  
Nuclear Group Headquarters  
Correspondence Control Desk  
Post Office Box 195  
Wayne, Pennsylvania 19087-0195

Dear Mr. Smith:

On January 30, 1992, the U.S. Department of Labor's Wage and Hour Division in Philadelphia, Pennsylvania, received a complaint from a former employee of Protection Technology Incorporated, Security Contractor at Limerick Generating Station. The former employee alleged that he was improperly suspended and then terminated because he had raised concerns regarding security operations while performing his duties at Limerick. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated February 28, 1992, the Area Director of the Wage and Hour Division found that the evidence obtained during the Division's investigation indicated that the employee was engaged in a protected activity within the ambit of the Energy Reorganization Act and that discrimination as defined and prohibited by the statute was a factor in the actions which comprised his complaint.

The NRC is concerned that a violation of the employee protection provisions set forth in 10 CFR 50.7 may have occurred and that the actions taken against the former employee may have had a chilling effect on other licensee or contractor personnel.

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 employee and includes a copy 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 employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

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

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Please indicate in your response whether any of the information that you provide should be withheld from public disclosure based on the provisions of 10 CFR 2.790(a). Please cite the specific provision of this regulation that is applicable or other basis for nondisclosure.

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 response requested by this letter is 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,

ORIGINAL SIGNED BY  
WILLIAM F. KANE



Thomas T. Martin  
Regional Administrator

cc:

R. Charles, Chairman, Nuclear Review Board  
G. Leitch, Vice President - Limerick Generating Station  
D. Helwig, Vice President of Nuclear Engineering and Services  
J. Durham, Sr., Senior Vice President and General Counsel  
J. Doering, Manager - Limerick Generating Station  
G. Beck, Manager - Licensing Section  
G. Hunger, Project Manager - Limerick Generating Station  
J. O'Rourke, Manager - Limerick Quality Division  
G. Madsen, Regulatory Engineer - Limerick Generating Station  
Secretary, Nuclear Committee of the Board  
T. Rogers, Jr., DOL  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
K. Abraham, PAO  
NRC Resident Inspector  
Commonwealth of Pennsylvania

bcc:

- H. Thompson, OEDO
- R. Lobel, OEDO
- J. Lieberman, OE
- J. Goldberg, OGC
- C. Miller, NRR
- R. Clark, NRR
- W. Hehl, DRP
- W. Hodges, DRS
- M. Knapp, DRSS
- J. Joyner, DRSS
- R. Blough, DRP
- R. Keimig, DRSS
- L. Doerflein, DRP
- M. Banerjee, SLO
- R. Fuhrmeister, ORA
- T. Kenny, SRI - Limerick
- J. Lyash, SRI - Peach Bottom

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