

# The Light company

Houston Lighting & Power South Texas Project Electric Generating Station P. O. Box 289 Wadsworth, Texas 77483

November 15, 1995  
ST-HL-AE-5231  
File No.: G03.12  
10CFR2.201

Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555

South Texas Project  
Units 1 & 2  
Docket Nos. STN 50-498 and STN 50-499  
Reply to Notice of Violation EA 95-077

South Texas Project has received the subject Notice of Violation and Proposed Imposition of Civil Penalties and submits the attached reply. In accordance with the direction in the Notice of Violation, South Texas Project is electing to defer including in our reply the admission or denial of the alleged violation and the reason for the violation until 30 days after the decision of the Secretary of Labor.

If there are any questions regarding this reply, please contact me at (512) 972-8434.

*WTC Cottle*

W. T. Cottle

WTC/nl

Attachment: Reply to Notice of Violation EA 95-077

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PDR ADOCK 05000498  
Q PDR

Project Manager on Behalf of the Participants in the South Texas Project

*JEH*  
*public part: Jean Lee*

c:

Leonard J. Callan  
Regional Administrator, Region IV  
U. S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

Thomas W. Alexion  
Project Manager  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001 13H15

David P. Loveless  
Sr. Resident Inspector  
c/o U. S. Nuclear Regulatory Comm.  
P. O. Box 910  
Bay City, TX 77404-0910

J. R. Newman, Esquire  
Morgan, Lewis & Bockius  
1800 M Street, N.W.  
Washington, DC 20036-5869

K. J. Fiedler/M. T. Hardt  
City Public Service  
P. O. Box 1771  
San Antonio, TX 78296

J. C. Lanier/M. B. Lee  
City of Austin  
Electric Utility Department  
721 Barton Springs Road  
Austin, TX 78704

Central Power and Light Company  
ATTN: G. E. Vaughn/C. A. Johnson  
P. O. Box 289, Mail Code: N5012  
Wadsworth, TX 77483

Rufus S. Scott  
Associate General Counsel  
Houston Lighting & Power Company  
P. O. Box 61067  
Houston, TX 77208

Institute of Nuclear Power  
Operations - Records Center  
700 Galleria Parkway  
Atlanta, GA 30339-5957

Dr. Joseph M. Hendrie  
50 Bellport Lane  
Bellport, NY 11713

Richard A. Ratliff  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49th Street  
Austin, TX 78756-3189

U. S. Nuclear Regulatory Comm.  
Attn: Document Control Desk  
Washington, D. C. 20555-0001

J. R. Egan, Esquire  
Egan & Associates, P.C.  
2300 N Street, N.W.  
Washington, D.C. 20037

J. W. Beck  
Little Harbor Consultants, Inc.  
44 Nichols Road  
Cohasset, MA 02025-1166

**Reply to Notice of Violation EA 95-077**

I. Statement of Violations:

10 CFR 50.7, Employee Protection, prohibits discrimination by a Commission licensee against any employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate compensation, terms, conditions, and privileges of employment. Protected activities were described in Section 210 (now 211) of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or Energy Reorganization Act.

Contrary to the above, David Lamb, a supervisor in the licensee's Nuclear Security Department, was unlawfully discriminated against in that on May 4, 1992, he was terminated from his position for engaging in protected activities. The protected activities included identifying safety concerns to the NRC.

This is a Severity Level II violation (Supplement VII). (01012) Civil Penalty - \$80,000

10 CFR 50.7, Employee Protection, prohibits discrimination by a Commission licensee against any employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate compensation, terms, conditions, and privileges of employment. Protected activities are described in Section 210 (now 211) of the Energy Reorganization Act of 1974, as amended and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or Energy Reorganization Act.

Contrary to the above, James Dean, an employee in the licensee's Nuclear Security Department, was unlawfully discriminated against in that on May 4, 1992, he was terminated from his position for engaging in protected activities. The protected activities included identifying safety concerns to the NRC.

This is a Severity Level II violation (Supplement VII). (02012) Civil Penalty - \$80,000

II. South Texas Project Position:

In accordance with the Notice of Violation, South Texas Project elects to defer its response to this item until 30 days after the decision of the Secretary of Labor.

III. Reason for Violation:

In accordance with the Notice of Violation, South Texas Project elects to defer its response to this item until 30 days after the decision of the Secretary of Labor.

IV. Corrective Actions:

On November 15, 1993, by letter number ST-HL-AE-4628, the South Texas Project submitted its response to the Demand for Information EA 93-043. That response addressed the findings of Office of Inspector General Investigation 92-491, and identified actions taken by the South Texas Project to ensure that employees at the South Texas Project feel free to raise safety and compliance concerns without fear of reprisal. Subsequently, on December 22, 1994, by letter number ST-HL-AE-4962, the South Texas Project submitted a response concerning EA 93-056, which detailed further actions it had taken to encourage the free flow of information at the South Texas Project.

On October 18, 1995, South Texas Project personnel were informed of the Recommended Decision of the Department of Labor Administrative Law Judge, and of the Nuclear Regulatory Commission's Notice of Violation and Proposed Imposition of Civil Penalty by site wide communication. This communication reiterated South Texas Project's policy of encouraging employees to report their safety concerns and emphasized that South Texas Project will not tolerate any retaliation against an employee for raising such concerns.

The efforts described in the submittals mentioned above are continuing to receive management attention, and periodic assessments indicate that these efforts are effective. The results of a recent assessment of the South Texas Project Employee Concerns Program were provided to the Nuclear Regulatory Commission on September 28, 1995 by letter number ST-HL-AE-5196, and described at a meeting at Region IV on October 26, 1995. That assessment found that the South Texas Project has created and sustained a strong nuclear safety culture and positive work environment, and that employees believe plant management is committed to maintaining an open and self-critical environment for raising concerns.

V. Date of Full Compliance:

South Texas Project is in full compliance.