



50-445  
50-446

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

May 22, 1992

The Honorable Phil Gramm  
United States Senator  
2323 Bryan Street, #1500  
Dallas, Texas 75201

Dear Senator Gramm:

I am responding to your letter of May 5, 1992, in which you requested the U.S. Nuclear Regulatory Commission (NRC) to review concerns raised in a letter to you from Mr. Joseph J. Macktal, Jr., dated April 1, 1992. The NRC has identified three relevant concerns in his letter: (1) the settlement between Mr. Macktal and his employer that prevented him from presenting safety concerns to the NRC, (2) the alleged harassment and intimidation of employees who reported concerns to SAFETEAM at Comanche Peak Steam Electric Station (CPSES), and (3) a number of safety concerns related to construction activities at CPSES. These three issues have been previously identified to the NRC, and the NRC has completed actions associated with them.

As part of the NRC's resolution of Mr. Macktal's first issue, the NRC took extensive actions to identify and eliminate restrictive clauses from settlement agreements between employees and employers in the nuclear industry that could prevent individuals from bringing safety concerns to the NRC. On April 27, 1989, the NRC sent letters to all nuclear utilities, major architect-engineers, nuclear steam supply system vendors, fuel-cycle facilities, and major materials licensees directing them to review their current and previous agreements to ensure that these agreements did not contain restrictive clauses. If restrictive clauses were found, the NRC further directed the companies to notify current and former employees that they could freely come to the NRC at any time without fear of any form of retribution and that conditions in the restrictive clauses would not be enforced. The companies were also required to notify the NRC by July 1, 1989, if they identified any restrictive clauses and to submit the agreement for NRC's review.

The NRC reviewed submitted agreements. If NRC's review determined that the agreement contained potentially restrictive language, a certified letter was sent to the affected individual. The letter instructed the individual that any restrictions on communications with the NRC were to be disregarded and requested that the individual identify any safety issues that were not brought to the attention of the NRC because of the agreement. Letters were not sent to three individuals, including Mr. Macktal, because the NRC had already been in contact with them concerning their settlement agreements.

NRC FILE CENTER COPY

9206030143 920522  
PDR ADOCK 05000445  
R PDR

DF01  
111

Subsequent action was taken by the Commission regarding this issue. On March 21, 1990, the Commission issued regulations that prohibited agreements related to employment that would prohibit, restrict, or discourage employees who had performed or were performing work related to licensed activities from bringing safety information to the Commission.

Regarding the second issue, the NRC periodically reviews the effectiveness of the SAFETEAM process at CPSES. SAFETEAM was last inspected prior to the licensing of Unit 1. This inspection found that the SAFETEAM process was effective in protecting employee confidentiality and in thoroughly investigating employees' safety concerns. An inspection of SAFETEAM is planned to be completed this year, before licensing of Unit 2.

The third issue concerns a list of safety issues provided in an affidavit dated September 9, 1989, by Mr. Macktal (Exhibit 1 in Mr. Macktal's letter of April 1, 1992). The NRC was already in possession of this affidavit and resolved these issues at the time the concerns were initially raised. As Mr. Macktal has not identified any new safety concerns in his letter of April 1, 1992, the NRC does not intend to initiate any additional actions regarding these issues.

I hope this information satisfies your concerns regarding this matter.

Sincerely,

Original Signed By:  
James M. Taylor  
James M. Taylor  
Executive Director  
for Operations

Enclosure  
Incoming Letter w/enclosure  
dated 4/1/92

\*See previous sheet for concurrence

OFFICE	PDIV-2/LA	PDIV-2/PM	TechEditor*	OGC*	PDIV-2/D
NAME	EPeyton	TBogan:nb	BCalure	LChandler	SBlack <sup>20H</sup>
DATE	5/19/92	5/19/92	5/15/92	5/19/92	5/19/92
OFFICE	ADR4/5 <sup>20H</sup>	DRPW:D <sup>20H</sup>	ADP	DRR:D <sup>20H</sup>	EDO
NAME	MVirgilio	BBoger	JPartida	TMurley	JMTaylor
DATE	5/19/92	5/19/92	5/19/92	5/20/92	5/19/92
OFFICE	OCA				
NAME	<i>MTC</i>				
DATE	5/22/92			5/20	

DISTRIBUTION:

Docket File (w/incoming)  
OGC  
NRC/PDR  
TBergman  
Local PDR  
EPeyton  
EDO Reading  
OPA  
PDIV-2 RF  
OCA  
JTaylor  
SECY(92-0396)  
JSniezek  
WRussell  
HThompson  
FGillespie  
JBlaha  
DCrutchfield  
RMartin, RGN-IVB  
BClayton  
TMurley/FMiraglia  
TGibbons  
JPartlow  
BBoger  
LYandell, RGN-IV  
MVirgilio  
DMorris (EDO-7748)  
NRR Mail Room (EDO-7748)