



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

October 2, 1995

EA 95-178

Houston Lighting & Power Company
ATTN: William T. Cottle, Group
Vice President, Nuclear
P.O. Box 289
Wadsworth, Texas 77483

SUBJECT: ALLEGED EMPLOYEE DISCRIMINATION
(OFFICE OF INVESTIGATIONS REPORT 4-95-031)

Dear Mr. Cottle:

On June 21, 1995, the Department of Labor's Occupational Safety and Health Administration (OSHA) in Dallas, Texas received a complaint dated June 8, 1995, from an employee at Houston Lighting & Power Co.'s (HL&P's) South Texas Project who alleged he had been discriminated against in violation of Section 211 of the Energy Reorganization Act. The complainant alleged that HL&P had created a hostile work environment through statements, policies, customs, practices, and memoranda. The complainant also alleged that on May 11, 1995, he was accosted in the lunch room by an HL&P manager as a result of his (the complainant's) having engaged in protected activities. On July 31, 1995, the Department of Labor's OSHA Regional Supervisor dismissed the complaint because the complainant had not accepted a settlement offer, and had not agreed to an extension of the 30-day investigation period provided in Section 211. The complainant subsequently notified the Department of Labor's Chief Administrative Law Judge in Washington, D.C. that he wished to appeal the OSHA Regional Supervisor's decision to dismiss the complaint; this appeal has been assigned case number 95-ERA-48.


The NRC's Office of Investigations (OI) conducted an investigation into the circumstances associated with the alleged May 11, 1995, incident in the lunch room. A copy of the synopsis of the OI report is enclosed. While the investigation confirmed that the incident occurred, OI did not conclude that the HL&P manager accosted the individual as a result of his having engaged in any protected activities. Nevertheless the actions were clearly not conducive to maintaining a quality conscious environment.

HL&P's corrective actions appear to have been prompt and comprehensive in that the specific incident was appropriately addressed and the HL&P manager was counseled on the inappropriateness of his action. Based on its review of the OI findings, the NRC plans no action unless new information comes to light or the Department of Labor's ongoing review of this complaint results in a determination that unlawful discrimination occurred.

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PDR ADOCK 05000498
G PDR

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,



L. J. Callan
Regional Administrator

Dockets: 50-498
50-499
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NPF-80

Enclosure: OI synopsis (4-95-031)

cc:

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Occupational Safety and Health Administration
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Matagorda County Courthouse
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Houston Lighting & Power Company

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bcc to DMB (IE01)

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SYNOPSIS

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), on June 27, 1995, to determine if a planner/scheduler working for Houston Lighting & Power (HL&P) at the South Texas Project (STP) was harassed and intimidated for identifying safety concerns.

Based on the evidence developed during this investigation, the allegation that the planner/scheduler was harassed and intimidated by an HL&P manager was substantiated; however, the evidence did not substantiate that this was the result of his having engaged in activities protected under Section 211 of the Energy Reorganization Act.