

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

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

JUL 31 1992

Docket No. 50-458  
License No. NPF-47

Gulf States Utilities  
ATTN: James C. Deddens  
Senior Vice President (RBNG)  
P.O. Box 220  
St. Francisville, Louisiana 70775

Gentlemen:

SUBJECT: ALLEGED DISCRIMINATION AGAINST FORMER CONTRACT EMPLOYEE FOR  
ENGAGING IN PROTECTED ACTIVITY

On May 27, 1992, the U.S. Department of Labor's Wage and Hour Division in Baton Rouge, Louisiana, received a complaint from a former employee of S & W Technical Services, a contractor to Gulf States Utilities at the River Bend Station (RBS). The former employee alleged that his employment at RBS was terminated and that he was being prevented from obtaining employment because of his involvement in the filing of a Quality Concern while performing his duties at RBS.

In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated June 26, 1992, the District 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 scope 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. That decision has been appealed by Gulf States Utilities and a hearing has been scheduled before a Department of Labor Administrative Law Judge.

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

Therefore, GSU is 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 contract employee and includes a copy of any investigation reports you have regarding the circumstances of the action; and

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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.

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 responses directed by this letter are 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,

  
James L. Milhoan  
Regional Administrator

cc:  
Charles R. Beckwith  
District Director  
Department of Labor  
Wage and Hour Division  
701 Loyola Ave., Suite 13028  
New Orleans, Louisiana 70113-1931

Gulf States Utilities  
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Gulf States Utilities  
ATTN: Les England, Director

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JUL 31 1992

Gulf States Utilities

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bcc distrib. by RIV:

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