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Ref # 10CFR2.102(a)

June 10, 1988

William G. Council
Executive Vice President

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
RFI ON IDENTIFYING SAFETY CONCERNS

REF: Letter from Stewart D. Ebnetter to William G. Council dated April 11, 1988, requesting information relating to the July 21, 1987, determination of the Area Director of the Wage and Hour Division of the U. S. Department of Labor in the matter of Lorenzo Mario Polizzi vs. Gibbs & Hill, Inc.

Gentlemen:

This letter is in response to a letter to Texas Utilities Electric Company (TU Electric) dated April 11, 1988, from Mr. Stewart D. Ebnetter, Director of the Office of Special Projects, concerning a determination dated July 21, 1987, by the Area Director of the Wage and Hour Division of the U. S. Department of Labor (DOL) on a complaint filed by Mr. Lorenzo Mario Polizzi against Gibbs & Hill, Inc. Mr. Polizzi had worked at the Comanche Peak Steam Electric Station (CPSES) until December 1986, as an employee of Gibbs & Hill. The Area Director found that discrimination as defined and prohibited by the Energy Reorganization Act was a factor in the actions of Gibbs & Hill which comprised his complaint. Gibbs & Hill disagrees with the findings of the Area Director and has filed an appeal of that determination. A formal evidentiary hearing before a DOL Administrative Law Judge is pending and, as a result, the July 21, 1987, determination by the Area Director has not become the final order of the Secretary of Labor in the matter. The NRC Staff has requested that TU Electric provide a response within 30 days describing the actions taken by TU Electric to look into this matter, the results thereof, and actions, if any, taken or planned by TU Electric to assure that this employment action does not have an adverse effect in discouraging other contractor or licensee employees from raising perceived safety concerns. The Office of Special Projects verbally extended the time to respond until June 10, 1988.

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At the time of the actions complained of by Mr. Polizzi in late 1986, Gibbs & Hill was in the process of completion of activities within its scope of work at CPSES. Gibbs & Hill is no longer a contractor or subcontractor for engineering services at CPSES. Under these circumstances, we have focused on reviewing programs in effect at CPSES since at least late 1986, in order to determine whether any additional action is necessary to assure that employees of TU Electric and current CPSES contractors are encouraged to raise and discuss perceived safety concerns.

Our review has demonstrated that current policies, procedures and practices at CPSES amply assure that employees will report safety-related concerns without fear of intimidation or harassment. Nuclear Engineering and Operations (NEO) Policy No. 12, "Employee Protection," (copy enclosed) emphasizes that employees of TU Electric or any contractor will not be subject to discrimination for reporting any concern; and Policy No. 13, "Employee Concerns," (copy enclosed) describes the available mechanisms for reporting concerns to two CPSES programs (Safeteam and Hotline) which can maintain as confidential the identity of the concernee. NEO Procedure 2.15, "Nuclear Complaints and Concerns," (copy enclosed), provides guidance to employees in pursuing concerns with their supervisors until they feel that the concerns are satisfactorily resolved, emphasizes the obligation and responsibility of managers to address and resolve concerns of employees, specifies that an employee who is dissatisfied with the progress or resolution of a concern may at any time directly contact management up to the level of the President of the TU Electric Generating Division, describes the Safeteam and Hotline programs, and prohibits any discrimination against employees raising concerns.

To assure that employees are aware of these policies and programs, every new employee of TU Electric or a site contractor attends an orientation/indoctrination session. At this session, each employee receives an Information Packet which contains, among other things, summaries of the "open door" policy and Safeteam program. The contents of the Information Packet are explained, and a video presentation, entitled "Quality Is Your Job," is shown which includes a segment on the Safeteam and Hotline programs.

In addition to information regarding these programs provided to employees at orientation/indoctrination sessions and in general employee training, TU Electric has also from time to time issued notices or letters to employees and supervisors reminding them of their rights and responsibilities relating to safety concerns. I issued the most recent such notice in December 1987, promptly after I received an anonymous letter from a group of workers facing layoff who questioned certain design practices and threatened to make their concerns public unless they retained their jobs. The notice to all employees of TU Electric and contracting organizations reemphasized TU Electric's commitment to protection of public health and safety, encouraged anyone with safety concerns to report them to management, Safeteam or the NRC and pointed out strongly that management would not be influenced by the threatening nature of the letter or tolerate such threats.

Since its inception in January 1985, the Safeteam program has responded to over 2000 worker concerns. Less than one third of these concerns were safety or quality related. Of the concerns which were safety or quality related, only about ten percent have been substantiated as valid and not already identified. Experience to date indicates that workers are making use of Safeteam to voice concerns of all types.

The NRC Staff recently conducted an inspection of TU Electric's policies, procedures and implementation relating to programs for identification and resolution of employee concerns. As documented in an NRC Inspection Report issued on May 9, 1988 (50-445/88-23 and 50-446/88-26), the inspection team was generally impressed with TU Electric's broad range of programs, which provide employees with many viable options to express concerns. It found that TU Electric was implementing an adequate program for its employees in areas dealing with the reporting of employee concerns. It also found that the Safeteam program appeared to be an effective means for site personnel to express concerns that might not be reported through normal management chains. In addition, in a survey of 32 employees of TU Electric and site contractors in various work areas, the inspection team found that all of the persons surveyed knew of a system available for the reporting of concerns and that none expressed any reluctance to do so. These findings are consistent with TU Electric's belief that the reporting mechanisms available at CPSES are well understood by the work force and are functioning effectively.

TU Electric recently received the NRC Inspection Report and is currently reviewing several recommendations made by the NRC team which would enhance a program that we believe is already among the best in the industry. The NRC Inspection Report confirms that current practices at CPSES in informing employees of available programs for reporting concerns are effective and that workers have no reluctance to express concerns. Since it is apparent that the employment actions referred to in the attachment to the letter from the NRC dated April 11, 1988, have not had any adverse effect in discouraging employees of TU Electric or CPSES contractors from raising safety concerns, no further action by TU Electric beyond that noted above is deemed necessary.

Very truly yours,

W. G. Council

W. G. Council

By: *J. S. Marshall*

J. S. Marshall
Generic Licensing Manager

RSB/tgw
Enclosures

C- Ms. J. H. Wilson, OSP-NRC
Mr. R. D. Martin, Region IV
Resident Inspectors, CPSES (3)

NEO POLICY STATEMENT

EMPLOYEE PROTECTION

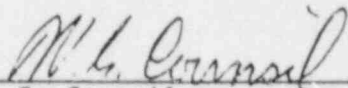
No employee of Texas Utilities Generating Company (TUGCO) or any of its contractors, or subcontractors shall be subjected to discrimination for engaging in activities protected by the Nuclear Regulatory Commission (NRC). Texas Utilities Generating Company shall fully conform to the intent of Section 50.7 of Title 10 of the Code of Federal Regulations (10 CFR 50.7) which outlines NRC requirements and sanctions in the area of employee protection. Appropriate policies, programs, and procedures shall be established which protect all employees' rights when involved in protected activities as specified in 10 CFR 50.7. These protected activities are:

- . Providing the Nuclear Regulatory Commission with information about possible violations of requirements imposed under the Atomic Energy Act, the Energy Reorganization Act, or NRC regulations.
- . Requesting the Nuclear Regulatory Commission to institute action against an individual's employer for the administration or enforcement of these requirements.
- . Testifying or otherwise providing information in any Nuclear Regulatory Commission or similar governmental or administrative proceeding or investigation.
- . Providing Texas Utilities Generating Company, contractors, or subcontractors with information or participating in any proceeding or investigation regarding possible violations of the Atomic Energy Act, the Energy Reorganization Act, or NRC regulations.

Overall responsibilities for assuring that employees' rights are protected lies with the Executive Vice President, Nuclear Engineering and Operations. Specific responsibility for assuring that appropriate procedures, programs, and policies are available to advise employees, contractor, and subcontractor personnel of the requirements of 10 CFR 50.7 rests with the Vice President responsible for Licensing, Quality Assurance (QA), and Fuel Services.

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Draft revisions and additions to this policy statement, in coordination with the other affected TUGCO vice presidents, are the responsibility of the Vice President responsible for Licensing, QA, and Fuel Services. Final approval of all revisions or additions to this policy statement rests with the Executive Vice President, Nuclear Engineering and Operations.



W. G. Council
Executive Vice President,
Nuclear Engineering and Operations

NEO POLICY STATEMENT

EMPLOYEE CONCERNS

Workers at or associated with Comanche Peak Steam Electric Station (CPSSES) shall be provided the opportunity to and encouraged to report safety concerns in a manner that provides maximum protection for the worker and assures that the concern is properly addressed. Toward that end, Texas Utilities Generating Company (TUGCO) initiated two specific actions to identify/address nuclear-related employee (company and contractor) concerns: the Hot Line Program and the Safeteam* Program.

The Hot Line Program is intended to encourage the reporting of quality concerns via a dedicated telephone line to the office of the Texas Utilities Director, Corporate Security. The Director, Corporate Security is assigned responsibility for the Hot Line Program in order to achieve a desired level of independence from the nuclear organization. Specifically, the Director, Corporate Security will perform the following:

1. Install a hot line telephone in his office and set up procedures to answer/record calls from concerned persons.
2. Document all allegations/concerns; based on a review of each allegation/concern, conduct an investigation, if appropriate.
3. Maintain records of the disposition of each allegation/concern received.
4. Inform the Executive Vice President, Nuclear Engineering and Operations of all allegations/concerns received, requirements for technical assistance to support an investigation, status of on-going investigations, and the final results of each investigation.

The Safeteam* Program is intended to help identify and investigate safety concerns of workers associated with Comanche Peak Steam Electric Station (CPSSES). The Safeteam* process shall include personal interviews, memo forms to provide written concerns, and/or ready telephone access. The Safeteam* Manager is responsible for the establishment and implementation of an effective, independent Safeteam* Program. Specifically, the Safeteam* Manager will be responsible for the following:

1. Establish an "Appreciation Center" where workers can call, write, or schedule an interview for the opportunity to express their concerns.

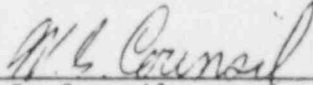
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2. Ensure that all expressed concerns are given prompt, confidential attention.
3. Ensure that a response is provided to the concerned individual.

The Executive Vice President, Nuclear Engineering and Operations has overall responsibility for establishing and maintaining programs which assure the safety and reliability of CPSES.

Draft revisions and additions to this policy statement, in coordination with the other affected TUGCO vice presidents, are the responsibility of the Vice President responsible for Quality Assurance, Licensing, and Fuel Services. Final approval of all revisions or additions to this policy statement rests with the Executive Vice President, Nuclear Engineering and Operations.

TUGCO has contracted with SYNDECO (a subsidiary of Detroit Edison) for the license to use and the assistance in establishing a Safeteam Program.



W. G. Council
Executive Vice President,
Nuclear Engineering and Operations