

NEWMAN & HOLTZINGER, P.C.

ATTORNEYS AT LAW

1615 L STREET, N.W.

WASHINGTON, D.C. 20036-5610

TELEPHONE: (202) 955-6600

FAX: (202) 672-0581

November 3, 1992

[redacted]
Supervisory Special Agent
Office of the Inspector General
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear [redacted]

On September 29, when you and [redacted] interviewed several Houston Lighting & Power Company (HL&P) employees at the South Texas Project (STP), I agreed to obtain additional information for you regarding two matters. First, after your interview of [redacted] you asked for a list of positions that were open at STP during the time that [redacted] looked for openings for which the [redacted] personnel were qualified. Attachment 1 is a list of Personnel Requests (PR) that the STP Human Resources records identify as having been open at some point during the period March 1 through May 15, 1992. During this period, there were no openings for Security personnel and other openings at the time did not match the qualifications of the NSD employees. The period March 1 through May 15 was selected to assure that it captured all of the openings during that period. As a result, it includes more openings than existed at the precise time [redacted] did his reviews.

Second, after your interview of [redacted] you asked for the Safeguards Incident Report (SIR) concerning an incident that occurred on June 27, 1991 and the report of HL&P's associated investigation. Attachment 2 is the SIR and Attachments 3 and 4 are, respectively, the associated Station Problem Report and the investigative file.

During our discussion on September 29, you mentioned the potential for the reduction in force of the NSD to have a "chilling effect" on the reporting of safety concerns by other STP employees. A similar question was posed by the NRC Region IV Administrator in a letter to HL&P on August 4, 1992, concerning an earlier employment action. In response, HL&P looked for evidence of a "chilling effect" by examining the rate at which the Speakout program was contacted by STP personnel before and after that employment action. The review found that there was no reduction in the number of contacts with Speakout after the

Information in this record was deleted
in accordance with the Freedom of Information

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November 3, 1992

Page 2

earlier employment action. Attachment 5 is a copy of HL&P's August 21, 1992, response to the Regional Administrator. The evaluation encompassed the period in which the NSD was reorganized, and it did not find any reduction in the rate of Speakout contacts after the reorganization. In addition, an updated graph including data for the subsequent months, is enclosed as Attachment 6. Attachments 5 and 6 indicate that the reduction in force of NSD has not had any noticeable chilling effect on the frequency of contacts with Speakout.

When complaints are filed with the Department of Labor under Section 210 of the Energy Reorganization Act, HL&P's practice has been to refer the complaints to Speakout for investigation. This was done with the two complaints related to the NSD reorganization. The reports of the Speakout investigations are included as Attachments 7 and 8. The investigations found that the assertions in those complaints were not substantiated.

Speakout reports are normally kept in confidence by HL&P, and made available for HL&P management review only on a "need to know" basis. The reports included in Attachment 7 and 8 have been disclosed to the Department of Labor investigator, but otherwise have been held in confidence by HL&P. Disclosure of these reports to the public could reveal statements made in confidence to Speakout under circumstances that indicated that the statements would be confidential and "private" and not disclosed to the public. Therefore, disclosure of these reports would constitute an unwarranted invasion of the privacy of the individuals who were interviewed by Speakout. In addition, Attachments 7 and 8 discuss the performance of certain present and former HL&P personnel, and the disclosure of these reports would constitute an unwarranted invasion of the privacy of these personnel. Therefore, HL&P requests that Attachment 7 and 8 be withheld from public disclosure pursuant to 10 CFR §§ 2.790(a)(6) and 2.790(a)(7). 1/

1/ In addition, public disclosure of Attachments 7 and 8 could cause harm to HL&P and the public. In order to operate the STP safely, HL&P relies upon employees to come forward with safety concerns. These concerns cannot be addressed unless they are made known, and in many cases employees are more comfortable bringing forward concerns on a confidential basis so that their identities are protected. Without such protection, concerns might go unreported. This could

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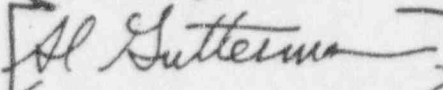
NEWMAN & HOLTZINGER, P.C.

November 3, 1992

Page 3

If you have any further questions, please call me.

Sincerely,


Alvin H. Gutterman

/faj
Enclosures

cc: William J. Jump

1/(...continued)

adversely affect safety and HL&P's commercial position.
Therefore, these records also should be withheld from public
disclosure pursuant to 10 CFR § 2.790(a)(4).

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