

NEWMAN & HOLTZINGER, P.C.

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WASHINGTON, D.C. 20036-5680

202-955-6600

August 6, 1993

Senior Investigator
Office of the Inspector General
U.S. Nuclear Regulatory Commission
(Mail Stop EW-542, OIG)
4350 East West Highway
Bethesda, Maryland 20814

Dear [redacted]

Thank you for your letter dated July 12, 1993. Your letter confirmed that the activities of the NRC Office of Inspector General (OIG) would not be adversely affected by [redacted] providing answers to the certified questions from [redacted].

However, you noted that the Department of Justice (DOJ) might wish to comment in view of its review of the OIG investigation of alleged retaliation for protected disclosures made by [redacted] Houston Lighting & Power Company (HL&P) has not received any comments on these questions from the DOJ attorney, and assumes that DOJ does not object to them. 1/

Your letter states that OIG has some concern regarding the relevance of certain lines of questioning in the deposition of [redacted]. Since neither NRC nor OIG are parties to the proceeding, I assume that your real concern is that answers to HL&P's questions might be used for some improper purpose. I understand that when you expressed this concern you had received only extracts of the deposition. Accordingly, I arranged for you to receive a complete copy of the transcript of the deposition. I hope that review of the questions in context will help allay the OIG's concerns. In any event, I assure you that HL&P's depositions in this case are being taken solely for trial preparation, and for no other purpose.

1/ We recognize that the DOJ attorney may have decided not to comment because DOJ is no longer actively reviewing this case. Based on conversations with you and with the assigned DOJ attorney, [redacted] we understand that DOJ has informally notified NRC that it is declining to prosecute in this case.

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

Act, exemptions 2(c)
FOIA 93-642

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Mr. []
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As a separate matter, you phoned me on July 28, 1993, to ask about a report the NRC had received from [] alleging that [] had received a HL&P []
As I explained to you in our telephone call, the only filing of which I am aware that even remotely fits that description, is HL&P's Motion to Dismiss [] Department of Labor case. That motion included a copy of Exhibit 16 to [] deposition and an affidavit of [] concerning the application of the NRC and HL&P Safeguards Information protection requirements to that exhibit. [] affidavit shows that [] Deposition Exhibit 16 is a document that was redacted to remove the Safeguards Information. A copy of HL&P's Motion to Dismiss, including [] affidavit and the other attachments to the motion, was provided to you on July 28, 1993. Please let me know if you have any additional questions about this matter.

Sincerely,

[*Alvin H. Gutterman*]
Alvin H. Gutterman

8/9/93

South Texas - discrimination

[] - OIG clear that manner of determ. who would be terminated was discriminatory.

Fairly common knowledge among licensee management & others that [] had exercised protected activity.

DFI intended to see if we can get this "missing" info.

Earl: Please open a new File.

FA 93-043

8/11/93

South Texas (employment discrimination)

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in accordance with the Freedom of Information
Act, exemptions 7(c)

FOIA- 93-642

0.24

LLL/20