

# The Light company

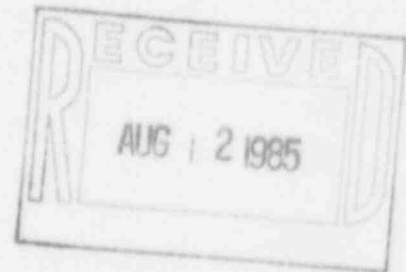
Houston Lighting & Power P.O. Box 1700 Houston, Texas 77001 (713) 228-9211

August 8, 1985

ST-HL-AE-1325  
File #D.41

Mr R D Martin, Regional Director  
Nuclear Regulatory Commission, Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Re: SOUTH TEXAS PROJECT (STP)  
HOUSTON LIGHTING & POWER'S (HL&P)  
POSITION REGARDING SECTION 210  
OF THE ENERGY REORGANIZATION ACT



\*Dear Mr Martin:

Confirming my discussions with you in your office on July 31, 1985, HL&P wishes to advise you of the following:

HL&P has always insisted upon total compliance with the anti-discrimination requirements set forth in Section 210 of the Energy Reorganization Act, not only by the Company itself, but by its contractors and subcontractors on the South Texas Project.

HL&P has adopted an internal anti-discrimination policy designed to ensure that no HL&P employee is ever discriminated against in terms of job opportunities, promotions, pay raises, assignments, or any other condition of employment for engaging in "protected activities" within the meaning of Section 210 (i.e., commencing, assisting, or participating in an NRC proceeding or investigation). HL&P employees, as well as its contractors, are also encouraged to communicate concerns regarding the conduct of the project through the Safeteam Program of which you are aware. Attachment A is a copy of HL&P's policy regarding Safeteam participation by any employee working at the STP.

Moreover, HL&P has advised its principal contractors on the South Texas Project of the requirements of Section 210 on several occasions and admonished these contractors that nothing short of total compliance with Section 210 will be acceptable to HL&P. For example, Attachment B is a letter which I sent to the

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Mr Robert D Martin  
NRC

-2-

August 8, 1985,  
ST-HL-AE-1325

President of Ebasco Constructors, Inc, on January 7, 1985, advising Ebasco of the requirements of Section 210 and the need for Ebasco and its subcontractors to conduct their affairs regarding this issue in a proper manner. In light of their potential regulatory significance, HL&P also requested that HL&P be apprised of any grievances filed by Ebasco employees under Section 210 and kept informed of any significant developments related thereto. A similar letter was sent to HL&P's other principal contractor (Bechtel).

In accordance with this policy, in early June, 1985, HL&P was advised by Ebasco that complaints had been filed with the Department of Labor under Section 210 by three former Ebasco employees who were coatings inspectors at the South Texas Project. Ebasco states that the employees were terminated as the coatings inspection work scheduled to be performed at that point in time was winding down at the project site and the need for inspectors in this area was reduced, not because of their alleged involvement in any NRC proceedings. HL&P's understanding is that it is the policy of the Department of Labor to first attempt to settle such disputes through conciliation and that, to this end, Ebasco is currently engaged in settlement discussions with these employees or their attorneys. There are obviously a number of factors, economic and otherwise, that influence a decision to engage in such discussions (e.g., the costs of litigation, potential adverse publicity, impact on employee morale and relations, etc). No conclusive inferences can, or should, be drawn from the fact that Ebasco has elected to follow the Department of Labor's preferred alternative by attempting to settle these complaints amicably. If Ebasco does settle these complaints and any payments to these former Ebasco employees are incorporated into settlement arrangements, these payments will be Ebasco's sole responsibility.

In any event, after HL&P was apprised of these complaints, J T Westermeier, the HL&P Project Manager for the South Texas Project, immediately directed HL&P's contractors, including Ebasco, per Attachment C, to undertake a comprehensive re-review of their personnel policies and practices to ensure that they comply with the requirements of Section 210 by providing for "equity, objectivity, and sufficient documentation of any and all [personnel] actions". HL&P also directed its contractors to report the results of this review directly to HL&P. HL&P is currently reviewing its contractors' force reduction programs to ensure that they have appropriate features to protect against any discriminatory action towards their employees

Mr Robert D Martin  
NRC

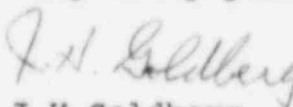
-3-

August 8, 1985  
ST-HL-AE-1325

engaged in "protected activities" as defined in Section 210. HL&P intends to conduct periodic audits of its contractors' practices and policies in this area to ensure continued compliance with Section 210 on every aspect of the South Texas Project.

In summary, HL&P has been and will remain totally committed to complying with the anti-discrimination requirements of Section 210. HL&P has instituted a comprehensive program to ensure compliance with Section 210 and will not tolerate harassment or retaliation, in any shape or form, by any of its contractors or subcontractors against employees who engage in "protected activities" under the Energy Reorganization Act.

Very truly yours,



J H Goldberg  
Group Vice-President, Nuclear

JHG/aks

Enclosures

cc Messrs D D Jordan  
H R Kelly  
C Smith  
J T Westermeyer  
J E Geiger  
W J Dircks - NRC  
H R Denton - NRC  
J D Taylor - NRC  
B B Hayes - NRC

August 8, 1985  
ST-HL-AE-1325

Houston Lighting & Power Company

cc:

Hugh L. Thompson, Jr., Director  
Division of Licensing  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Robert D. Martin  
Regional Administrator, Region IV  
Nuclear Regulatory Commission  
611 Ryan Plaza Drive, Suite 1000  
Arlington, TX 76011

N. Prasad Kadambi, Project Manager  
U.S. Nuclear Regulatory Commission  
7920 Norfolk Avenue  
Bethesda, MD 20814

Claude E. Johnson  
Senior Resident Inspector/STP  
c/o U.S. Nuclear Regulatory Commission  
P. O. Box 910  
Bay City, TX 77414

M. D. Schwarz, Jr., Esquire  
Baker & Botts  
One Shell Plaza  
Houston, TX 77002

J. R. Newman, Esquire  
Newman & Holtzinger, P.C.  
1615 L Street, N.W.  
Washington, DC 20036

Director, Office of Inspection  
and Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

E. R. Brooks/R. L. Range  
Central Power & Light Company  
P. O. Box 2121  
Corpus Christi, TX 78403

H. L. Peterson/G. Pokorny  
City of Austin  
P. O. Box 1088  
Austin, TX 78767

J. B. Poston/A. vonRosenberg  
City Public Service Board  
P.O. Box 1771  
San Antonio, TX 78296

Brian E. Berwick, Esquire  
Assistant Attorney General for  
the State of Texas  
P. O. Box 12548, Capitol Station  
Austin, TX 78711

Lanny A. Sinkin  
3022 Porter Street, N.W. #304  
Washington, D. C. 20008

Oreste R. Pirfo, Esquire  
Hearing Attorney  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Charles Bechhoefer, Esquire  
Chairman, Atomic Safety & Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dr. James C. Lamb, III  
313 Woodhaven Road  
Chapel Hill, NC 27514

Judge Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Mr. Ray Goldstein, Esquire  
1001 Vaughn Building  
807 Brazos  
Austin, TX 78701

Citizens for Equitable Utilities, Inc.  
c/o Ms. Peggy Buchorn  
Route 1, Box 1684  
Brazoria, TX 77422

Docketing & Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

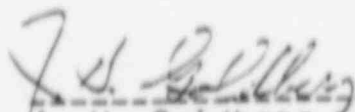
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|--|--|-----------------------|--------------|
| HOUSTON LIGHTING & POWER COMPANY<br>SOUTH TEXAS PROJECT<br>SAFETEAM PROGRAM MANUAL |  | NUMBER<br>1           | REV. NO<br>0 |
| TITLE<br>SAFETEAM Policy #1  |  | SHEET 1 OF 1          |              |
| SUBJECT<br>Reporting of Nuclear or Quality Concerns to SAFETEAM                    |  | DATE ISSUED<br>5/1/85 |              |

Any employee working on the design, construction, quality assurance or operation of the South Texas Project (STP), is encouraged to bring to the attention of his/her supervisor or other persons in the management chain of Houston Lighting & Power Company (HL&P); Bechtel Energy Corporation, Ebasco Constructors, Inc., or Subcontractor any nuclear or quality concern he/she may have.

Although SAFETEAM urges that South Texas Project employees communicate directly with their supervisor or other management representatives of their company, they are also free to communicate their nuclear or quality concern(s) directly with the South Texas Project SAFETEAM or the regional office of the Nuclear Regulatory Commission.

No employee of the South Texas Project will be discharged, or otherwise be discriminated against with respect to compensation, terms, conditions or privileges of employment, because the employee expresses concerns to SAFETEAM, so long as the employee does not use the SAFETEAM program maliciously or frivolously.

SAFETEAM is available at the South Texas Project and may be contacted at 1-800-292-5123 in Texas and 1-800-231-5922, outside of Texas. Additionally, the mailing address for SAFETEAM is P. O. Box 308, Bay City, Texas 77414. SAFETEAM will maintain the anonymity of anyone expressing a concern, SAFETEAM will investigate concerns and respond in writing.

  
 J. H. Goldberg  
 Group Vice President, Nuclear



# The Light company

Houston Lighting & Power P.O. Box 1700 Houston, Texas 77001 (713) 228-9211

January 7, 1985

ST-HL-EB-41

File No. 41.3

Mr J E Ramondo, President  
Ebasco Constructors, Inc  
Two World Trade Center  
New York, New York 10048

Re: SOUTH TEXAS PROJECT  
SECTION 210 OF THE ENERGY REORGANIZATION ACT OF 1974 (ERA)

Dear Mr Ramondo:

On the assumption that you are not familiar with the details of the subject section of the ERA, let me briefly advise you of its contents.

Section 210 of the Energy Reorganization Act of 1974 prohibits any employer from discriminating against any employee who commences, assists, or participates in a proceeding before the Nuclear Regulatory Commission (NRC). An employee who feels that he or she has been discriminated against by their employer as a result of their involvement with the NRC, may file a complaint with the Secretary of Labor. If the Secretary of Labor determines that the employee has been subject to such discrimination, the Secretary is required to order relief including reinstatement of the employee with back pay and may grant additional relief including attorney's fees and compensatory damages. The NRC, in turn, has promulgated regulations under the Atomic Energy Act of 1954, as amended, which adopt the employee protection standards set forth in Section 210 of the ERA and specify that violation of these standards by either a licensee or one of its contractors or subcontractors may be grounds for enforcement action against the licensee.

In view of the above, it is essential that your company and that of your subcontractors be conversant with the need to deal with your employees, who may be involved in bringing forth allegations to the NRC, in such a manner as to avoid discrimination charges under Section 210 of the ERA. You must include, obviously, in your dealings with your subcontractors identification of their need to conduct their affairs regarding this issue in a proper manner as well. In any event, Houston Lighting & Power Company must be notified promptly of any instance where an employee, of either your company or that of your subcontractors

Houston Lighting & Power Company

January 7, 1985

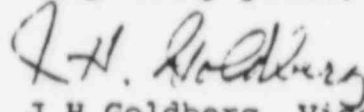
Mr J E Ramondo, President  
Ebasco Constructors, Inc

ST-HL-EB-41  
File No. 41.3

doing business on the South Texas Project, has filed a grievance with the Department of Labor in accordance with Section 210 of the ERA. We would also need to be kept informed in a timely manner of any subsequent significant developments related thereto.

HL&P would appreciate your prompt attention to this important matter. HL&P is currently evaluating the need for any further documentation of the implications of Section 210 of the ERA.

Very truly yours,



J H Goldberg, Vice-President  
Nuclear Engineering and  
Construction Department

JHG/aks

cc Messrs J T Westermeier  
M R Wisenburg  
R C Rasbury  
R J Maroni  
D W Halligan (Bechtel)  
J Crnich

# The Light company

Houston Lighting & Power P.O. Box 1700 Houston, Texas 77001 (713) 228-9211

June 14, 1985  
ST-HL-EU-23  
File: D40.1.1

Mr. R. W. Zaist  
Construction Manager  
EBASCO SERVICES, INC.  
P. O. Box 1674  
Houston, Texas 77414

SUBJECT: SECTION 210 OF THE ENERGY  
REORGANIZATION ACT OF 1974 (ERA)  
RE: (a) LETTER FROM J. H. GOLDBERG TO J. ROMANDO  
DATED JANUARY 7, 1985, SAME SUBJECT

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Dear Mr. Zaist:

In Reference (a), Mr. Goldberg expressed several concerns relating to the potential implications for both Ebasco and Houston Lighting & Power of violations of Section 210. Further, he asked that several actions be taken to minimize the potential exposure. The concern of HL&P in this matter is very real and springs from the fact that violation of that section by either the licensee or one of its contractors or subcontractors may be grounds for enforcement action against the licensee including a civil penalty. Recent events at the project, i.e. the Department of Labor investigation into complaints filed by three previous Ebasco QC inspectors who alleged that they were wrongfully laid off, has led us to conclude that our exposure in this area remains unnecessarily high.

To reduce that exposure to an acceptable level, I am requesting that Ebasco perform several specific tasks to assure that their personnel system remains equitable and objective and that it continues to contain adequate provisions for documentation of specific personnel actions.

Please take the necessary action to assure that a comprehensive review of Ebasco personnel policies and practices is conducted with specific attention devoted to the following areas:

- o Promotions
- o Demotions
- o Transfers (both internal and external)
- o Layoffs
- o Terminations
- o Other changes in job responsibilities/terms of employment



Mr. R. W. Zaist  
June 14, 1985  
Page Two of Three

ST-HL-EU-23  
D40.1.1

The purpose of the comprehensive review is to assure that your system provides equity, objectivity, and sufficient documentation of any and all such actions, such that documentation will withstand the scrutiny of outside agencies. Following the completion of this comprehensive review, I would like the opportunity to review its results with you and discuss any possible changes that you would like to introduce.

As a method of providing additional safeguards for HL&P's interest HL&P will be, on a periodic basis, conducting an assessment of the Ebasco personnel system with specific attention to the areas listed above. Also, as of now, we would like to be routinely informed of any potentially troublesome personnel actions that are contemplated by Ebasco.

In addition to a discussion of the points enumerated above, I would like to have the opportunity to review with you any actions that Ebasco may have taken in response to some of the implicit questions that were raised in Mr. Goldberg's letter of January 7, 1985. These questions included:

- a. For each of your contractors, what specific actions, if any, did you take to address the particular concerns expressed in Mr. Goldberg's letter?
- b. What changes, if any, did you put in place to safeguard against the situation which recently arose concerning the complaint filed with the Department of Labor?
- c. What are your written policies on the South Texas Project which govern reductions in force and what written procedures implement those policies?
- d. Do you rank or rate people on productivity, performance, etc. and, if so, are such rankings and ratings documented?
- e. If you rank or rate people as discussed above, are such rankings and ratings confidential, or are they discussed with the employee? If such discussions are held, are they documented?

I recognize that the contents of this letter are such that it will probably require extensive effort on the part of Ebasco to assure that all the questions raised are adequately and completely addressed. I suggest that we meet within the next two weeks to thoroughly discuss all these issues and to decide upon a mutually satisfactory schedule for completion.

Finally, because of the nature of HL&P's exposure and our contractual relationships with both Bechtel and Ebasco, we have chosen to deal directly with each of these two major contractors on this issue. Accordingly, all of the

Houston Lighting & Power Company


Mr. R. W. Zaist  
June 14, 1985  
Page Three of Three

ST-HL-EU-23  
D40.1.1

actions taken by Ebasco regarding the subject of this letter will be reviewed directly by HL&P and will not fall under the purview of Bechtel. I am sending separate correspondence to Bechtel outlining the same plan of action for them.

If you have any questions or comments, please contact me at (713) 993-1301.

Very truly yours,

  
J. T. Westermeier  
Project Manager  
South Texas Project

JTW/JEG:wm

cc: J. H. Goldberg  
J. E. Geiger  
S. M. Dew  
M. R. Wisenburg  
C. Smith (Baker & Botts)  
STP RMS (2)