



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 19, 1997

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515-2107

Dear Congressman Markey:

In a letter dated April 22, 1996, the Commission provided you with a status of the agency's review of your concern that certain licensees may have used psychological testing to harass, punish, or otherwise discourage employees from raising safety concerns. In the letter, the Commission committed to provide your office with the results of the NRC's review upon its completion. This letter provides an update of the status of the NRC's review of your concern.

The March 20, 1996, Wall Street Journal article you referenced in your letter stated that Ms. Miller and Messrs. Plumb, Galatis, Betancourt, and Diaz-Robainas were pressured to undergo psychological evaluations after raising safety concerns. In the case of Mr. Diaz-Robainas, based on the Secretary of Labor Decision and Remand Order issued on January 19, 1996, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000 for the Severity Level II violation to Florida Power and Light Company on July 16, 1996. On December 3, 1996, Florida Power and Light Company paid the civil penalty.

On October 4, 1996, the Department of Labor's (DOL) Assistant District Director for the Wage and Hour Division in Knoxville, Tennessee issued a decision that "the adverse actions taken against Ms. Miller were not motivated by protected activities." Ms. Miller has appealed that decision and a hearing before a DOL administrative law judge is pending. The NRC's review of Ms. Miller's discrimination concern and her concern that the licensee was using psychological testing to remove employees who raise safety concerns is still ongoing.

At the time of the Wall Street Journal article, Mr. Plumb had not advised the NRC of any concerns involving abuse of psychological testing. On April 29, 1996, therefore, the NRC staff sent a letter to Mr. Plumb asking for more details about the issues he raised in the Wall Street Journal article. The NRC has not received a response from Mr. Plumb.

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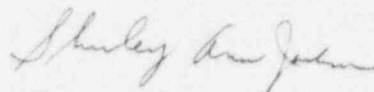
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As to the statements of Messrs. Galatis and Betancourt that "managers ... suggested they see company-approved psychologists to work on their teamwork skills," the OI investigations of the discrimination concerns expressed by Messrs. Galatis and Betancourt are part of the review being conducted by the United States Attorney for the District of Connecticut.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Ann Jackson".

Shirley Ann Jackson