

March 14, 2001

Mr. Oliver D. Kingsley
President, Nuclear Generation Group
Commonwealth Edison Company
ATTN: Regulatory Services
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

Dear Mr. Kingsley:

The Nuclear Regulatory Commission (NRC) recently completed an investigation pertaining to a concern that an employee of the Byron Nuclear Power Plant was discriminated against for raising safety issues. Specifically, the NRC Region III Office of Investigations investigated whether a licensed Senior Reactor Operator (SRO) was discriminated against for writing a Problem Identification Report concerning the compromise of test material during a simulator training exam.

The NRC has completed its investigation into these matters. The NRC's investigation determined that the evidence did not support the concern that a SRO was discriminated against for identifying a compromise of test material. A copy of the Region III Office of Investigations report synopsis is enclosed. This concludes the NRC's investigation into this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions concerning this matter please contact me at (630) 829-9500.

Sincerely,

/RA/ Roy J. Caniano for

John A. Grobe, Director
Division of Reactor Safety

Docket Nos. 50-454; 50-455
License Nos. NPF-37; NPF-66

Enclosure: As stated

O. Kingsley

-2-

cc w/encl: D. Helwig, Senior Vice President, Nuclear Services
C. Crane, Senior Vice President, Nuclear Operations
H. Stanley, Vice President, Nuclear Operations
R. Krich, Vice President, Regulatory Services
DCD - Licensing
W. Levis, Site Vice President
R. Lopriore, Station Manager
P. Reister, Regulatory Assurance Manager
M. Aguilar, Assistant Attorney General
State Liaison Officer
State Liaison Officer, State of Wisconsin
Chairman, Illinois Commerce Commission

bcc: AMS File No. RIII-99-A-0193

DOCUMENT NAME: G:\eics\ams-ltrs\99193.licoi.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RIII	N	RIII	N	RIII	N	RIII		RIII		RIII	N
NAME	Kock		Hills		Paul*		Clayton*		Berson		Grobe	
	02/26/01		02/05/01		03/13/01		02/08/01		03/13/01		03/14/01	

OFFICIAL RECORD COPY

* For permission to release the OI synopsis

SYNOPSIS

This investigation was initiated by the U. S. Nuclear Regulatory Commission, Office of Investigations (OI), Region III (RIII), on November 24, 1999, to determine whether a licensed Senior Reactor Operator (SRO) at the Byron Nuclear Generating Station was discriminated against after acknowledging to station management that the SRO had written a Problem Identification Form (PIF) on July 28, 1999, concerning the compromise of test material during a simulator training exam. The SRO alleged discrimination in that shortly after writing the PIF, a letter was placed in the SRO's personnel file documenting a missed day of training; the SRO did not receive the same salary increase as other SROs with the same length of service, grade and performance rating; and the SRO was not selected for the Shift Manager Program.

In addition, the SRO alleged that approximately 6 years ago, he failed to receive shift premium pay in retaliation for raising a safety concern involving intoxicated control room operators.

OI was also asked to provide assistance to the staff in obtaining information regarding a chilling effect after the SRO was labeled a "whistleblower."

Based upon the evidence developed during the investigation, OI:RIII did not substantiate the allegation that the SRO was discriminated against for identifying a safety concern and documenting that concern in a PIF on July 28, 1999.