

October 9, 2001

EA-01-252

Mr. Oliver D. Kingsley, President  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: CHILLING EFFECT CONCERNS AT DRESDEN NUCLEAR POWER STATION

Dear Mr. Kingsley:

This letter is in reference to concerns about the safety conscious work environment in the radiation protection (RP) department at your Dresden Station. Our concerns are based on recent allegations of employment discrimination by Dresden Station radiation protection technicians (RPTs), and multiple examples of actions alleged to have taken place which the RPTs claim have caused a chilling effect (i.e., an environment which is not conducive to raising nuclear safety concerns) within the RP department. Specifically, from September 2000 to date, the NRC has received 11 allegations from the RPTs that they were discriminated against for raising safety issues. In addition, we have received seven concerns involving a perception that raising safety issues may result in adverse actions. The source of these concerns was not limited to individuals of certain shifts, seniority, or those who had claimed employment discrimination or were recently laid off. These different sources expressed concerns that the work environment within the RP department discourages individuals from raising safety concerns.

Also, as you are aware, the NRC Region III Office of Investigations (OI) has recently initiated several investigations into alleged employment discrimination against RPTs. Although none of the discrimination complaints have been substantiated by OI to date, interviews of eight RPTs indicated a reluctance to raise concerns for fear of reprisal. Over the past several months, about 40% of the station's RPTs have indicated during interactions with the NRC staff or in correspondence with the NRC that a chilled environment exists. Moreover, these concerns have been expressed by both current and former members of the Dresden RP department. Based on this information, it appears that many of the RPTs lack trust and confidence in station management's willingness to accept safety concerns from employees.

We recognize that your staff evaluated a similar concern within the RP department which we requested by letter dated February 27, 2001, and that your evaluation acknowledged that a labor-management relations problem existed within the RP organization at Dresden. Your staff's evaluation concluded that the station did not harbor an environment in which employees

were afraid to report safety violations or raise safety concerns. Nevertheless, your evaluation found that some bargaining unit employees within the RP department perceived that retaliation might occur for raising issues. Based on our recent contacts with concerned individuals, it appears that this same perception continues and may have worsened since several RPTs were laid off in July 2001. We remind you that a chilling effect is a perception that raising concerns may result in adverse action and that reluctance on the part of nuclear employees to raise safety concerns is detrimental to nuclear safety.

Therefore, the NRC is requesting that Exelon Nuclear fully evaluate the work environment that exists within the RP department at Dresden Station and determine whether employees within the RP department are reluctant to raise safety issues. We request that your evaluation be conducted by a party independent of the Dresden Station, and that it be of sufficient scope and depth to address the questions listed in the Enclosure to this letter. Also, to ensure your assessment is comprehensive and unbiased, please consider issuing a survey questionnaire to all Dresden Station RP staff that allows responses to be anonymous. If your evaluation concludes that a chilled environment exists in the Dresden Station RP department, we request that you expand the evaluation to include other station departments so as to assess the extent of condition of this problem. In your response, please also advise the NRC of those actions taken or planned to address this problem, if you determine that such an environment exists. Please respond in writing to the NRC within 90 days of the date of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available to the public. Therefore, your response should not, to the extent possible, include any personal privacy, propriety, or safeguards information so that it can be made available to the public. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential

commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

After reviewing your response, the NRC will determine whether any further action is necessary.

Sincerely,

*/RA/*

J. E. Dyer  
Regional Administrator

Docket Nos. 50-10; 50-237; 50-249  
License Nos. DPR-19; DPR-25

Enclosure: Questions Regarding Alleged Chilled Environment

cc w/encl: W. Bohlke, Senior Vice President, Nuclear Services  
C. Crane, Senior Vice President - Mid-West Regional  
J. Cotton, Senior Vice President - Operations Support  
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**\*SEE PREVIOUS CONCURRENCE**

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O. Kingsley

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## QUESTIONS REGARDING ALLEGED CHILLED ENVIRONMENT

1. Does the radiation protection staff believe that: (a) station management and (b) radiation protection management support a safety conscious work environment which encourages workers to identify and document safety concerns? What is the basis for your conclusion? If no, what actions are you taking to address this issue?
2. Are any radiation protection staff afraid or reluctant to raise safety issues to their supervisors or station management and to document them? If so, why and what actions are you taking to address this issue?
3. Is the radiation protection department's rate of problem self-identification (condition report generation) consistent with: (a) other Dresden Station departments and (b) other Exelon Nuclear station radiation protection departments? Also, is the CR distribution in the Dresden radiation protection department sufficient to demonstrate that safety issues are raised by a broad spectrum of radiation protection technician staff? What is the basis for your conclusion? If you identify fewer condition reports are generated at Dresden, why is that occurring and what actions are you taking to address the issue?
4. Have any members of the radiation protection staff not raised or documented safety concerns for fear of retaliation or reprisal? If yes, what concerns were not raised or documented?
5. Does the radiation protection staff, particularly the technicians, perceive that retaliation might occur if safety issues are raised or if work is stopped to address a safety problem? If yes, why?
6. Was any type of disciplinary action taken or threatened (including derogatory comments from RP management or supervision) against any member of the RP staff related to safety issues the individual raised or CRs the individual initiated?
7. Is there a perceived or stated expectation that RP staff correct problems but not document them through the CR process? If yes, is this position consistent with company procedures and corporate expectations? How does this position impact the ability to trend RP issues at Dresden?
8. What, if any, actions were taken to ensure that recent lay-offs within the RP department did not adversely impact the stations's overall safety conscious work environment?