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RS-03-052

April 11, 2003

Mr. James E. Dyer
Regional Administrator
U. S. Nuclear Regulatory Commission, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

Subject: Description of Results of Work Environment Review

- References: (1) Letter from J. A. Benjamin (Exelon Generation Company, LLC) to J. E. Dyer (U. S. NRC), "Consent to Confirmatory Order," dated September 27, 2002
- (2) Letter from F. J. Congel (U. S. NRC) to J. L. Skolds (Exelon Generation Company, LLC), "Confirmatory Order (Effective Immediately)," dated October 3, 2002

Dear Mr. Dyer:

In Reference 1, Exelon Generation Company, LLC consented to certain commitments to resolve a violation of 10 CFR 50.7, "Employee Protection." In Reference 2, the NRC issued a Confirmatory Order regarding these commitments. One of the commitments in this Confirmatory Order, item V.7, stated the following.

"Exelon will review all work environment surveys conducted since September 2000 at the Byron Station (where the former employee previously worked) to assure that management responses to any findings were implemented to assure that no residual effect exists in the safety-conscious work environment at the station as a result of the selection decision. Exelon will provide to the Regional Administrator, NRC Region III, Lisle, Illinois, a written description of the results of this review and any actions taken or planned to be taken to assure that a safety conscious work environment exists at the Byron Station."

The purpose of this letter is to provide the results of the review of the work environment surveys. The attachment to this letter contains a report describing these results. In summary, the review concluded corrective actions in response to safety conscious work environment surveys have been implemented and there is no indication in the data that the selection decision has had a residual effect on employee willingness to raise safety issues. Accordingly, no additional corrective actions specific to Byron Station are warranted.

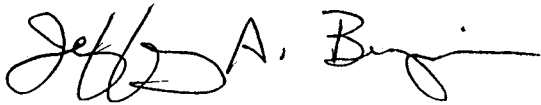
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If you have any questions concerning this letter, please call me at (630) 657-2809.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Benjamin". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent part.

Jeffrey A. Benjamin
Vice President
Licensing and Regulatory Affairs

Attachment

cc: F. J. Congel, Director – Office of Enforcement
D. C. Dambly, Office of the General Counsel

Attachment

Report of Review of Byron Station Safety Conscious Work Environment Surveys

Background

The October 3, 2002, Confirmatory Order Modifying Licenses issued to Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC, following an investigation by the NRC into whether an employment selection decision violated 10 CFR 50.7, "Employee protection," identifies certain commitments made by EGC. Commitment 7, set forth in section V of the Confirmatory Order, states the following.

"Exelon will review all work environment surveys conducted since September 2000 at the Byron Station (where the former employee previously worked) to assure that management responses to any findings were implemented to assure that no residual effect exists in the safety-conscious work environment at the station as a result of the selection decision. Exelon will provide to the Regional Administrator, NRC Region III, Lisle, Illinois, a written description of the results of this review and any actions taken or planned to be taken to assure that a safety conscious work environment exists at the Byron Station."

This report provides the written description of the results of the review and addresses actions taken or planned based on these results, in fulfillment of Commitment 7.

Scope

A team composed of individuals from the Licensing and Legal departments collected documentation of surveys conducted at the Byron Station since September 2000 that address the station's safety conscious work environment (SCWE).¹ The team identified the following surveys.

1. February 2, 2001, Assessment of the Byron Station Safety Conscious Work Environment

This internal assessment was conducted by a management team independent of Byron Station. The assessment involved representative sampling of management and craft personnel from various station departments. The assessment team interviewed a total of 68 employees at the Byron Station. The assessment interviews were conducted in December 2000.

2. Fall 2001 Exelon Employee Survey, Summary Analysis Report

This report concerns a general employee survey administered throughout Exelon Corporation (not limited to Exelon Nuclear, and not limited to Byron Station). Although this survey did not specifically target SCWE issues, some of the survey questions and corresponding data are relevant to certain SCWE attributes. In addition, some of these data were reviewed in responding to a series of NRC referred allegations (discussed

¹ The selection decision occurred in August 2000. In September 2000, EGC submitted a detailed letter to the NRC concerning prior findings about the safety consciousness of the Byron Station work environment. Consistent with the Confirmatory Order, the review covered by this report addressed only surveys after September 2000.

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below) that raised potential "chilling" issues regarding the Byron Station. Data was collected for the survey in August through September 2001.

3. November 2001 Work Environment Evaluation Team Summary of Findings

In mid-November 2001, a team headed by a member of the Exelon Nuclear corporate staff, supported by members of the Employee Concerns Program (ECP), interviewed randomly selected employees at Byron Station. Interviews were held with 50 employees, both management and bargaining unit personnel, representing a variety of functional areas at the station. A summary of the findings was prepared for use in item 4, below.

4. December 17, 2001, letter from K. R. Jury (EGC) to H. Brent Clayton (NRC) regarding October 2001 referred allegations (and supplemental letter dated January 25, 2002)

While not itself a SCWE survey, certain allegations referred to EGC in October 2001 raised issues concerning the potential for a chilling effect at Byron Station, and the December 17, 2001, and January 25, 2002, letters address findings relevant to those issues. Data collected for purposes of the response to the referred allegations (including the data referred to in item 3) were also reviewed. These data were collected in late 2001 and early 2002.

5. Fall 2002 Exelon Employee Survey

Like the Fall 2001 general employee survey (item no. 2, above), the Fall 2002 survey was not focused on the safety consciousness of the work environment, but certain survey questions correspond with SCWE attributes. The data collection for the Fall 2002 survey occurred in August through September 2002.

The above items were reviewed to determine if the findings of periodic measures to assess the Byron Station work environment were indicative of a potential adverse impact on the environment, in particular, the willingness of employees to raise nuclear safety or quality concerns, due to the employment selection decision. The reports were reviewed for potential work environment trends and for specific findings or data that may be suggestive of such a potential adverse impact.²

² Between September 2000 and the present EGC has periodically received referred allegations from the NRC that involve, in part, potential chilling effects at the Byron Station, in addition to the referred allegations covered by item no. 4 above. These allegations have involved discrete events claimed to have had a potential chilling effect, and are not viewed as "surveys" within the scope of this report. It is noted that none of these allegations concerning potential chilling has been substantiated. It was also determined that in calendar years 2001 and 2002, the Byron Station ECP did not validate any concerns that involved a potential chilling effect at Byron Station.

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Findings

A. General conclusions

The data reviewed concerning the Byron Station work environment provide consistent findings that overall, employees are not reluctant to raise safety issues. The February 2001 assessment (item no. 1) concluded that the overall work environment at Byron Station is conducive to the identification of safety concerns. That assessment found that station personnel have a strong safety ethic, are not reluctant to raise safety issues, and are willing to document safety issues without fear of harassment, intimidation, retaliation or discrimination.

The work environment information collected for purposes of the December 2001 response and January 2002 supplemental response to referred allegations that raised issues regarding a potential chilling effect (item no. 4) provided the following conclusion: that the overall environment at Byron Station is conducive to raising safety concerns, and no evidence was identified that safety issues have not been raised or inappropriately dispositioned. Based on these findings and the information collected, it was concluded in item no. 4 that a chilled environment does not exist at Byron Station. The work environment team (item no. 3) that gathered data for that response specifically found that the interviewed employees stated they are comfortable with raising issues and concerns to site management, particularly their immediate supervisor.

The general employee surveys (item nos. 2 and 5) do not contain findings on the overall work environment. However, the surveys did include questions (16 in 2002 and 15 in 2001) that pertain to certain SCWE attributes. For example, one survey statement to which employees were asked to respond was: "I feel free to tell my supervisor what I think." The proportion of favorable to unfavorable responses to those questions by Byron Station employees was generally comparable to the responses of all Exelon Nuclear employees. The results for Byron Station were compared to the other Mid-west Regional Operating Group (MWROG) stations. Byron Station ranked first or second among the five MWROG stations in the percentage of favorable responses for 11 of the 16 questions in the 2002 survey and did not rank last for any of the 16 questions. In the 2001 survey, the Byron Station results were lower than the 2002 results for the relevant questions. Byron Station typically ranked third or fourth among the five stations in terms of the percentage of favorable responses, but never ranked last. These results are not suggestive of any particular adverse influences during the period encompassed by the surveys on the Byron Station work environment.

The data reviewed also do not reflect any adverse trends over time in the Byron Station SCWE. Some survey data do reflect slightly downward trends in responses to specific queries. For example, the February 2001 assessment (item no. 1) indicated that, based on interviews, the proportion of employees who would bring a nuclear safety issue to their immediate supervisor first decreased from 92% (based on a June 2000 assessment) to 84%. Yet the February 2001 assessment also indicated that 96% of those interviewed believed that the safety culture changes at Byron Station in the preceding year were positive (62%) or neutral (34%), indicating that only a small number of workers interviewed perceived a negative change in the safety culture.

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Statistics for Byron Station drawn from the general employee surveys (item nos. 2 and 5) suggest a positive trend in SCWE-related factors. For example, the favorable (positive) response to the survey statement, "I feel free to tell my supervisor what I think," increased between 2001 and 2002 from 72% to 80% for Byron Station employees, while the unfavorable response to that same statement dropped from 17% to 12%.³ Similarly, favorable responses to the statement, "My supervisor is responsive to my needs and concerns" increased from 58% to 70%. Favorable responses increased from 73% to 80% to the statement, "Unsafe situations that are brought to the attention of my immediate supervisor are corrected."

Accordingly, the SCWE surveys reviewed depict general stability in the period since September 2000 covered by the surveys regarding the Byron Station SCWE.

B. Whether management responses to SCWE survey findings have been implemented

The February 2001 assessment (item no. 1) identified that 28% of the population interviewed believed that during outage periods, production and schedule adherence take precedence over and are given a higher priority than safety. This figure includes 7% of the interviewed population which believe that production is always given priority. However, the assessment did not provide any recommended actions for this, instead providing this information as an observation. In response to this, Byron Station had and continues to emphasize that safety takes precedence over production through various meetings and briefings where safety is the first topic discussed. These include pre-outage meetings, shift turnover briefings, and outage control center status briefings.

The assessments conducted in response to the set of referred allegations received in late 2001 (item no. 4) resulted in the following corrective actions being implemented that were generally geared toward increasing site communications, including vertical communications, as well as increasing senior management visibility. The Site Vice President (SVP) or Plant Manager is holding monthly employee feedback meetings, as well as meeting quarterly with each station department and a Human Resources representative, to solicit additional employee feedback on current station issues. Additionally, Operations Department "focus group" meetings are being held monthly. Other ongoing actions include department managers engaging workers in the workplace more frequently, meetings with first line supervisors to reinforce face-to-face communications with management, and end of shift briefings in various departments that focus on human performance behaviors. The station has tracked and documented implementation of each of the corrective actions that are identified in item no. 4.

The remaining survey results did not identify issues specific to a SCWE that resulted in management responses or commitments for the Byron Station.

³ Respondents also could provide a "neutral" response.

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C. Whether the survey results indicate any residual effects on the work environment as a result of the selection decision

The purpose of this review was to determine whether, based on findings from previous surveys, the selection decision may have had an adverse impact on the Byron Station work environment. Based on the limited distribution of information about the selection decision, it may be presumed that the decision did not have an adverse impact on employee willingness to raise safety issues. The review nonetheless examined the prior surveys to determine if such a residual effect may exist.

The survey results do not indicate residual effects on the work environment as a result of the selection decision that led to the investigative finding of a violation of 10 CFR 50.7. The data reviewed do not indicate that the willingness of Byron Station employees to report safety issues without fear of retaliation was impacted by the selection decision.

The February 2001 assessment (item no. 1) relied on data collected in December 2000, after the selection decision had been made, but prior to the non-selected employee's departure from the company. This assessment identified a small number of instances where employees knew of or had heard of an instance where an employee was negatively treated for raising a nuclear safety concern. Some of these instances lack specifics, and the others appear unrelated to the selection decision. Accordingly, this assessment does not indicate an adverse impact on the work environment from the selection decision.

The allegations referred to EGC leading to the December 2001 and January 2002 responses (item no. 4) did encompass a concern that the departure of the non-selected ECP employee was an example of "chilled" environment at Byron Station (Allegation 01-A-0147, referencing the "forced retirement of an Employee Concerns [person] who proved that a chilling effect existed in the training department"). Apart from this sole reference to the selection decision, the evaluations conducted by EGC to respond to the referred allegations did not detect negative impacts on the work environment at the Byron Station due to the selection decision.

To the extent the surveys reviewed identified any negative influences on worker willingness to raise safety issues, those findings involved discrete matters not related to the selection decision. For example, the work environment survey conducted in November 2001 (item no. 3) observed that the release of two workers from the Byron Station Operations Department had negatively influenced the willingness of certain employees in that department to volunteer opinions or suggestions. The selection decision was not identified as a factor that may have influenced employee perception.

Conclusion

This review concludes that, based on existing SCWE survey data pertaining to the Byron Station since September 2000:

1. Corrective actions recommended in response to SCWE surveys have been implemented; and

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2. There is no indication in the data that the selection decision has had a residual effect on employee willingness to raise safety issues.

Because the surveys do not show a residual impact of the selection decision on the Byron Station work environment, additional corrective actions specific to Byron Station are not warranted.