



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
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July 22, 1997

Mr. Thomas J. Maiman
Senior Vice President,
Nuclear Operations
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 300
Downers Grove, IL 60515

SUBJECT: SAFETY CONSCIOUS WORK ENVIRONMENT AT THE ZION STATION

Dear Mr. Maiman:

As you may know, the U. S. Nuclear Regulatory Commission (NRC) has operated an Allegation Management System (AMS) for many years. One of the principal purposes of the AMS is to track allegation trends at NRC licensed facilities. Our analysis of recent AMS issues concerning the Commonwealth Edison Company's (ComEd) Zion Nuclear Station disclosed a significant increase in the number of allegations concerning employment discrimination. Such allegations, if true, along with a fear of retribution for raising safety concerns, could indicate a "chilling effect" or a "chilled" work environment in which employees believe they may suffer adverse employment action if they raise a safety concern.

The NRC did not receive any similar allegations about the Zion Station during Calendar Years (CYs) 1995 and 1996. In comparison, the NRC has received at least 15 such allegations since the beginning of CY 1997. Examples of allegations that could lead to a "chilling effect" are listed in the enclosure to this letter.

Concerns from employees of licensees and contractors are an important source of information to both licensees and the NRC in determining whether there are safety issues that need to be addressed in the interest of protecting public health and safety. Given the increased number of allegations from employees and contractors at the Zion Station, it is important for the NRC to understand what ComEd is doing to ensure that employees feel free to raise such concerns without fear of retribution and that such concerns are appropriately prioritized, investigated, and resolved with feedback to the employee. Such an environment has been described by the Commission in its May 14, 1996 policy statement, "Freedom for Employees in the Nuclear Industry to Raise Concerns Without Fear of Retaliation." In addition, the number of very recent allegations involving ComEd and its contractors could indicate that a problem may exist in communications among employees, supervisors, and managers at the Zion Plant. These allegations may demonstrate that a "chilling effect" has developed, or could be developing.

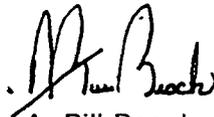
Therefore, the NRC requests a meeting with ComEd to discuss the steps taken or being taken to assure that a safety conscious work environment exists at the Zion Station. At that meeting, we request that ComEd address its assessment of the potential for a "chilling effect" at the Zion Station. If ComEd believes that a potential "chilling effect" does not exist at the Zion Plant, we would like to discuss the basis for that conclusion. Likewise, should ComEd believe that a possible "chilling effect" does exist, we would like to discuss any plans ComEd may have to address the problem.

We also request that ComEd discuss the methods used to ensure that employees are given the reason(s) for management's acceptance or rejection of an individual's input, dissenting view, observation, or other problem identified by a worker (including issues listed on a Problem Identification Form (PIF)). We would also like to discuss ComEd's view on the effectiveness of the Employee Concerns Program or similar organization at the Zion Station.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Please contact the Mr. Geoffrey Grant, Chairman of the Zion Oversight Panel, at (630) 829-9600 if you or your staff have any questions. We appreciate your cooperation in this matter.

Sincerely,



A. Bill Beach
Regional Administrator

Dockets No: 50-295; 50-304
Licenses No: DPR-39; DPR-48

Enclosure: Examples of Allegations

POTENTIAL "CHILLING EFFECT" AT THE ZION NUCLEAR STATION

The NRC has received 27 allegations regarding the Zion Station since the beginning of Calendar Year (CY) 1997. Fifteen of the allegation files concern employment discrimination which could lead to a "chilling effect" where workers are afraid to raise a safety concern in fear of an adverse job action.

Eleven of these 15 allegations were made directly against Commonwealth Edison Company (ComEd). Two of the 15 allegations were made against a contractor at the Zion Station. The employer was not identified in 2 of the 15 issues. The eleven allegations made against ComEd came from workers in virtually all departments within the ComEd station organization. The four other allegations were also about various disciplines at the plant.

The following are examples of CY 1997 employment discrimination allegations that could be the basis of a "chilling effect" at the Zion Station¹:

An employee claimed job termination after finding too many problems and writing Problem Identification Forms (PIFs).

An employee claimed harassment after identifying a safety concern.

Supervisors yell and harass employees when an employee tries to give input.

New managers are not clearly communicating standards and expectations to employees. Therefore, managers yell at workers when workers raise any questions.

Workers are afraid to report incidents involving supervisors because the supervisors have friends and relatives in the ComEd organization, and those friends and relatives will see that no disciplinary action is taken against an offending supervisor.

Employees do not say anything about a safety concern for fear of job reprisal because a contractor's mode of operation is intimidation and threats.

A contractor changed its higher managers, but its middle managers continue to have a chilling effect on workers.

ComEd recently removed a number of employees from their jobs. This indicates that ComEd has a policy of retribution towards people who bring up safety concerns.

¹

The number of examples does not total 15 because similar issues were combined into a single example. Also, 9 of the 27 allegations received in 1997 were of a technical nature and did not represent a potential "chilling effect."

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