



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION V

1450 MARIA LANE  
WALNUT CREEK, CALIFORNIA 94596-5368

JAN 11 1994

Docket Nos. 50-206, 50-361, 50-362  
EA 93-240

Southern California Edison Company  
Irvine Operations Center  
23 Parker Street  
Irvine, California 92718

Attention: Mr. Harold B. Ray, Senior Vice President, Power  
Systems

SUBJECT: NRC SPECIAL INSPECTION REPORT NOS. 50-206, 361,  
362/93-30

This refers to the special inspection conducted by Mr. F. R. Huey of this office on August 31 through September 24, 1993 at the San Onofre facility. The results of this inspection were documented in the referenced NRC inspection report, which was transmitted to you on October 1, 1993. This report addressed two apparent violations of 10 CFR 50.7, which prohibits discrimination against employees because they raise safety concerns. These issues were discussed with you during an enforcement conference held in the Region V Office on October 18, 1993. Our discussion during the enforcement conference was summarized in Meeting Report No. 50-206/93-33, transmitted to you on November 8, 1993.

The first violation occurred on February 5, 1992 and involved discrimination against a Bechtel Power Corporation (BPC) millwright employed by Southern California Edison Company (SCE) as a contract employee. He was threatened with adverse job action by a BPC general foreman in retaliation for raising safety concerns to BPC management related to condensate pump maintenance activities. The second violation occurred on October 21, 1991 and involved discrimination against an Inter-Con Security Services (Inter-Con) security guard employed by SCE as a contract employee. He was discharged by an Inter-Con manager because he raised safety concerns to Inter-Con management related to his radiological safety during Unit 1 outage activities. During the enforcement conference, the individuals responsible for the discriminatory acts indicated that they had been trained and clearly understood the licensee's non-discrimination policy, and did not believe that they had violated that policy. The NRC acknowledges your position that some degree of miscommunication was likely during the exchanges involved with both of these events and that this might have resulted in a misinterpretation of the motives of the managers involved. However, based on our review of the reports of SCE interviews conducted with each of these individuals soon after these events, we conclude that both

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events involved violations of 10 CFR 50.7.

The NRC notes that in these cases, the contractor employees were aware of and used the SCE Nuclear Safety Concerns (NSC) program which had been implemented by SCE as part of its effort to ensure that all licensee and contractor employees at San Onofre felt free to raise safety concerns without fear of retaliation. As a result, SCE promptly identified and corrected these violations. The NRC also notes that SCE took prompt and aggressive action to reemphasize to senior Bechtel and Inter-Con managers the SCE management expectations on discrimination. This action likely minimized the possible chilling effect of the discriminatory act and lowered its safety significance.

The NRC views employee discrimination as a very serious matter, and accordingly, the NRC Enforcement Policy provides for citing discrimination violations at Severity Level III or higher. However, in view of SCE's proactive efforts in establishing an anti-discrimination policy, training employees on this policy, implementing an effective NSC program which promptly identified and corrected the discrimination problems, and reacting quickly and decisively to remedy the improper actions of its contractors in these two events without the need for NRC or DOL intervention, the identified violations would more appropriately be classified at Severity Level IV. Therefore, I have concluded, after consultation with the Director, Office of Enforcement, the Executive Director for Operations, and the Commission, that these violations should be categorized as non-cited violations, consistent with the discretion provisions of section VII.B.2 of the Enforcement Policy.

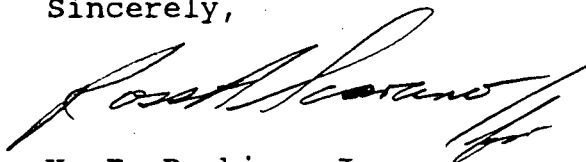
In this regard, it should also be noted that the NRC is encouraged by the additional proactive measures which SCE implemented following identification of these violations to prevent the recurrence of discrimination violations. In particular, SCE is commended for its prompt efforts to improve the understanding and sensitivity of contractor organization managers to discrimination problems, and for its plans to further clarify and strengthen contractual requirements with regard to discrimination prohibitions.

Southern California Edison  
Company

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

Sincerely,



K. E. Perkins, Jr.  
Acting Regional Administrator

cc: R. Krieger, Vice President and Site Manager  
R. Rosenblum, Vice President, Engineering and Technical  
Services  
Bechtel Power Corporation  
Inter-Con Security Services  
State of California