

50-456, 50-457, 50-454,  
50-455, 50-237, 50-249,  
50-373, 50-374, 50-374  
50-265, 50-285, 50-304



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 31, 1998

Mr. Michael D. Kohn  
National Whistleblower  
Legal Defense and Education Fund  
3233 P Street, NW  
Washington, DC 20007-2756

Dear Mr. Kohn,

I am responding to the Petition you submitted pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 C.F.R. § 2.206), dated March 25, 1998, on behalf of the National Whistleblower Legal Defense and Education Fund. Mr. Randy Robarge initially was also named as a Petitioner; but, by a written submittal dated June 26, 1998, the NRC was notified by you that Mr. Robarge was withdrawing his Petition. The Petition was referred to the Office of Nuclear Reactor Regulation for preparation of a response in accordance with 10 C.F.R. § 2.206.

The Petition requests that the NRC take immediate corrective action and impose civil penalties against Commonwealth Edison Company (ComEd). As grounds for the request, the Petition asserts that: (1) ComEd's assertion in a pleading in a case before the U.S. Department of Labor, 98-ERA-2, that the filing of a "Problem Identification Form" does not constitute protected activity fosters an atmosphere of intimidation and chills the reporting of safety concerns in violation of 10 C.F.R. § 50.7; and (2) ComEd intentionally imposed "restrictive confidentiality" aimed at prohibiting employees from providing information to the NRC in violation of 10 C.F.R. § 50.7.

By letter dated April 29, 1998, I acknowledged receiving your Petition and stated that pursuant to 10 C.F.R. § 2.206 of the Commission's regulations, your Petition was referred to me for action and that it would be acted upon within a reasonable time. You were also informed that the issues raised in the Petition do not constitute an immediate safety concern at ComEd's nuclear facilities and that the information provided did not warrant the immediate action that you requested.

For the reasons stated in the enclosed Director's Decision (DD-98-08), your request has been denied. A copy of this Decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 C.F.R. § 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

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M. Kohn

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August 31, 1998

The enclosed Notice and Director's Decision are being forwarded to the Office of the Federal Register for publication.

Sincerely,

  
for Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457, STN 50-454,  
STN 50-455, 50-237, 50-249, 50-373, 50-374,  
50-254, 50-265, 50-295, 50-304

Enclosures: 1. Director's Decision  
2. Notice

cc w/encls: See next page

M. Kohn

- 2 -

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Sincerely,

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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M. Kohn

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August 31, 1998

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Sincerely,

/s/ Frank J. Miraglia for

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456, STN 50-457, STN 50-454,  
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DATE	8/25/98	8/26/98	8/26/98	8/31/98		

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