

Deo

OCT 5 1989

Docket No. 50-237
Docket No. 50-249

Commonwealth Edison Company
ATTN: Mr. Cordell Reed
Senior Vice President
Post Office Box 767
Chicago, IL 60690

Gentlemen:

We have reviewed your response (enclosed) dated September 13, 1989, to our request, dated August 1, 1989, to investigate the possibility of employment discrimination in the actions taken by Transco Inc. in the termination of a former employee.

We are satisfied that your investigation was adequate to determine that no discrimination was involved in this action.

Your response and our previous investigations described in our August 1, 1989, letter close this allegation (RIII-87-A-0074).

Sincerely,

"Original signed by W.D. Shafer"

W. D. Shafer, Chief
Reactor Projects Branch 1

Enclosure: As stated

cc w/enclosure:
T. Kovach, Nuclear
Licensing Manager
E. D. Eenigenburg, Station Manager
DCD/DCB (RIDS)
Licensing Fee Management Branch
Resident Inspector, RIII
Richard Hubbard
J. W. McCaffrey, Chief, Public
Utilities Division

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PDR ADDCK 05000237
P FDC

RIII
Ruc
Jones/jp
10/4/89

RIII
Ruc
Lerch

w/ to Funk
RIII
J.M.
Grobe
10/5

yes
RIII
W.D. Shafer
10/5/89

T. E. G.
1/1



Commonwealth Edison
72 West Adams Street, Chicago, Illinois
Address Reply to: Post Office Box 767
Chicago, Illinois 60690 - 0767

~~10 CFR 2.790 INFORMATION
WITHHOLD FROM PUBLIC DISCLOSURE~~

September 13, 1989

Mr. A. B. Davis
Regional Administrator
U.S. Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, IL 60137

Subject: Dresden Station Units 1 & 2
Response to Allegation Concerning
Employment Discrimination
No. RIII-87-A-0074
NRC Docket Nos. 50-237 and 50-248

Reference: (a) Edward G. Greenman Letter to
Cordell Reed dated August 1, 1989

Dear Mr. Davis:

Reference (a) informed Commonwealth Edison of an allegation concerning the possibility of employment discrimination at the Dresden Nuclear Station (NRC Allegation 87-0074).


The following attachments provide Commonwealth Edison's investigation into this allegation.

Attachments to this letter contain information which is exempt from public disclosure according to 10 CFR 57.90(a)(7).

Edison requested, and was granted, an extension for submittal of this report by Mr. Robert Lerch of your staff on September 1, 1989.

If you have any further questions regarding this matter, please contact this office.

Very truly yours,


T.J. Kovach
Nuclear Licensing Manager

WEM/scl:0279T:6

~~"10CFR 2.790 INFORMATION MARKING
DOES NOT APPLY WHEN THIS LETTER
IS SEPARATE FROM THE ENCLOSURE"~~

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~~Names of parties and certain other identifying details have been removed in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.~~

~~ATTACHMENT A~~

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Reference (a) requested Commonwealth Edison Company (Edison) to investigate whether the termination of a former Transco Products Inc. (Transco) employee, [REDACTED], was justified. If this investigation determined that in whole or in part discrimination was involved in [REDACTED] termination, Edison was to address additional questions related to the possible chilling affect of such termination.

[REDACTED] was dismissed from [REDACTED] position as Transco's Site Quality Control Manager at Dresden on April 5, 1987. Commonwealth Edison's investigation has determined that the termination of [REDACTED] was fully justified and involved no discrimination. [REDACTED] allegations raising safety concerns at the Dresden Nuclear Power Station were investigated by the NRC as described in Inspection Report Nos. 50-237/88030 and 50-249/88031 which concluded that "no discrepancies or violations of regulatory requirements were identified. [REDACTED] filed these allegations weeks after [REDACTED] was terminated from Transco. Commonwealth Edison's investigation indicates that [REDACTED] termination from Transco was the outcome of absenteeism and failure to notify [REDACTED] supervisor of absences in a timely manner. There is no indication that Transco terminated [REDACTED] for raising any safety concerns. This conclusion is supported by the documents provided as exhibits to this letter.

Commonwealth Edison is both aware of and respectful of its obligations not to retaliate against employees or contractors who engage in protected activity as defined in the Energy Reorganization Act. The validity of the termination and the filing of the allegation after the termination leads Commonwealth Edison to conclude that there is no reasonable basis for believing that the employment action by this contractor could give rise to a "chilling affect" on other persons. Thus, other than to ensure that, as always, employees and contractors work in an environment that does not discourage the voicing of safety concerns, Commonwealth Edison does not believe that further action is necessary as a result of this complaint.

~~Names of parties and certain other identifying details have been removed in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.~~

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ATTACHMENT B

10 CFR 2.790 INFORMATION
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