



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

May 14, 1997

Public
IE-01

EA 97-213

Mr. Patrick J. Laird
[Home Address Deleted
Under 10 CFR 2.790]

SUBJECT: APPARENT VIOLATION OF EMPLOYEE PROTECTION REQUIREMENTS (NRC
OFFICE OF INVESTIGATIONS REPORTS NO. 3-94-045 AND 3-94-045S)

Dear Mr. Laird:

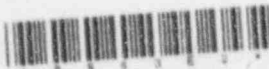
This is in reference to an apparent violation of NRC requirements pertaining to 10 CFR 50.7, "Employee Protection," prohibiting discrimination against employees who engage in protected activities. The apparent violation involves discrimination by you against two contract Burns Security Services (BSS) supervisors at the Braidwood Station because they raised security concerns to NRC security inspectors during an inspection of Braidwood in June 1994.

NRC holds Commonwealth Edison Company (ComEd) and its employees responsible for ensuring full compliance with NRC requirements including contractors working at its facilities. The NRC Office of Investigations (OI) conducted investigations of this matter. In reports dated August 30, 1996 and March 14, 1997, OI concluded that ComEd, BSS and you discriminated against two security supervisors when their employment was terminated for engaging in protected activities. A copy of the Synopsis and Details of Investigation for each of those reports are enclosed.

Region III and the NRC's Office of Enforcement have reviewed the OI findings and have determined that the actions taken by you to threaten permanent revocation of site access of the two BSS supervisors and their subsequent resignations in August 1994 may constitute a violation of 10 CFR 50.7. Therefore, this apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600. The NRC is not issuing a Notice of Violation at this time. You will be notified by separate correspondence of the results of our deliberations on this matter.

No written response regarding the apparent violation is required at this time.

A transcribed predecisional enforcement conference with you, and any representative you wish, to discuss the apparent violation has been scheduled for May 28, 1997 at 3:00 p.m. in the Region III Office, 801 Warrenville Road, Lisle, IL. This conference will be closed to the public. You are requested to attend this predecisional enforcement conference to



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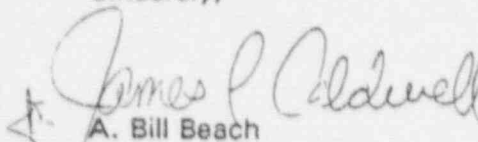
present any information that you feel is relevant to this case. You should be prepared to discuss your involvement in the termination of site access and subsequently the employment of the two security supervisors in August 1994.

The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision. Consequently, you should be prepared to discuss your understanding of the facts, root causes, and significance of the issues and the need for corrective action.

In addition to this enforcement conference, the NRC will conduct a separate, public, predecisional, and transcribed enforcement conference with ComEd Management at 10:00 a.m. on May 29, 1997.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, and Enclosure 1 will be placed in the NRC Public Document Room. However, the NRC will delay placing a copy of this letter and Enclosure 1 in the NRC Public Document Room (PDR) until an enforcement decision has been made. At that time, in accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, and Enclosure 1 will be placed in the PDR.

Sincerely,


A. Bill Beach
Regional Administrator

Docket Nos. 50-456; 50-457
Licenses No. NPF-72; NPF-77

Enclosures: NRC OI Report No. 3-94-045 and 3-94-045S

See Attached Distribution

May 14, 1997

cc w/home address removed:

H. G. Stanley, ComEd
~~T. J. Maiman, Senior Vice President,
Nuclear Operations Division
D. A. Sager, Vice President,
Generation Support
H. W. Keiser, Chief Nuclear
Operating Officer
T. Tulon, Station Manager
T. Simpken, Regulatory Assurance
Supervisor
I. Johnson, Acting Nuclear
Regulatory Services Manager
Document Control Desk - Licensing
Richard Hubbard
Nathan Schloss, Economist,
Office of the Attorney General
State Liaison Officer
Chairman, Illinois Commerce Commission,~~

In accordance with letter dated July 22, 1997, copies of this letter distributed to the following only.

cc [HOME ADDRESS DELETED UNDER 10 CFR 2.790]:

H. Stanley, Site VP, Braidwood Nuclear Power Station
J. Guiterrez, counselor, Morgan, Lewis & Bokius