



NRC NEWS

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NRC STAFF ISSUES CONFIRMATORY ORDER TO EXELON NUCLEAR IN EMPLOYEE DISCRIMINATION CASE AT ILLINOIS NUCLEAR PLANT

The Nuclear Regulatory Commission staff has issued a Confirmatory Order to Exelon Nuclear Generation Company documenting the utility's corrective actions being taken as a result of discrimination against a former employee at the company's Byron Nuclear Power Station in Byron, Illinois.

NRC regulations prohibit companies licensed by the agency to discriminate against a worker for raising safety issues involving the facility.

An investigation by the NRC's Office of Investigations determined that an Exelon corporate manager deliberately discriminated against the former employee on August 25, 2000, by not selecting the employee for a new position which he was seeking. The investigation found that the manager had based the hiring decision on the employee's raising an internal safety issue.

The employee had raised an issue concerning the working environment in a department at the Byron station. He was concerned that a "chilled environment" existed which might discourage employees from raising safety issues because of concerns of possible discrimination by plant management.

Following review of the investigation findings, the NRC staff contacted Exelon on June 17 to schedule a predecisional enforcement conference to discuss possible violations of NRC regulations dealing with employee protection and deliberate misconduct. The company then requested the opportunity to present a settlement proposal prior to the conference.

After several meetings between the NRC staff and Exelon, the utility agreed to the issuance of a confirmatory order to resolve this matter.

Exelon agreed to admit the violation of NRC employment protection regulations as a non-willful violation and to undertake extensive corrective actions at all 21 of its licensed nuclear power reactors and within its corporate organization.

The corrective actions include, among others, counseling all management personnel involved with the discrimination incident, training of all vice-president and plant managers

throughout the Exelon organization on employee protection regulations, review and revision of the company's training program on preventing discrimination against employees who raise safety issues, and notifying all Exelon nuclear employees of the company's commitment to foster a safety-conscious work environment which encourages employees to raise issues without fear of retaliation.

As a result of the utility's admission of the employee protection violation and its extensive corrective actions at all its facilities, the NRC staff has agreed not to issue a notice of violation to the company or to any individual. No fine will be proposed. The Confirmatory Order contains the terms of the company's agreement, which are legally enforceable as NRC requirements.

The Confirmatory Order will be available on the NRC's web site at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/reactors/> and from the NRC's Region III Office of Public Affairs. It will also be available in the agency's ADAMS electronic reading room: <http://www.nrc.gov/reading-rm/adams.html>.

As part of the settlement agreement, the Exelon has agreed not to contest the Order. Any person adversely affected by the action may request a hearing before an NRC Administrative Judge within 20 days of the Order being issued.

The Confirmatory Order affects the following facilities operated by Exelon, including plants which are in the process of decommissioning:

Illinois: Braidwood 1 & 2; Byron 1 & 2; Clinton; Dresden 1, 2, & 3; LaSalle 1 & 2; Quad Cities 1 & 2; Zion 1 & 2.

Pennsylvania: Limerick 1 & 2; Peach Bottom 1, 2, & 3; Three Mile Island 1.

New Jersey: Oyster Creek.

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