UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

March 27, 2000

Duke Energy Corporation
ATTN: Mr. M. S. Tuckman,
Executive Vice President
Nuclear Generation
Energy Center II
422 South Church Street
Charlotte, NC 28201-124400

SUBJECT: DUKE ENERGY CORPORATION: ALLEGED DISCRIMINATION AGAINST A DUKE ENERGY EMPLOYEE FOR RAISING CONCERNS (OFFICE OF INVESTIGATION CASE NUMBER 2-1999-027)

Dear Mr. Tuckman:

Enclosed for your information is the synopsis to the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed investigation regarding alleged discrimination by Duke Energy Corporation against a former electrical breaker technician for raising safety concerns. The OI investigation (OI Report No. 2-1999-027) was completed on January 27, 2000. OI determined that the evidence in this investigation did not substantiate the allegation of discrimination.

The U.S. Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) regional office in Atlanta, Georgia received a complaint of discrimination from this individual against Duke Energy dated August 30, 1999. On December 23, 1999, the OSHA Regional Supervisory Investigator determined that discrimination was not a factor in the actions taken against the former employee. This case has not been appealed to the DOL Office of Administrative Law Judges.

Based on the OI and DOL conclusions and the fact that no appeal has been filed in the case, NRC plans no further action with regard to this matter. Should you have any questions concerning this letter, please contact us.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be made publically available.

Sincerely,

Anne T. Boland, Enforcement Officer
Enforcement and Investigations
Coordination Staff

Docket Nos.: 50-269, 50-270, 50-287,
50-413, 50-414, 50-369 and 50-370
License Nos.: DPR-33, DPR-52, DRP-68,
NPF-35, NPF-52, NPF-9, and NPF-17

Enclosure: Synopsis to OI Case No. 2-1999-027

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Region II, Office of Investigations, initiated this case on September 21, 1999, to determine whether a Duke Energy Corporation electrical breaker technician, assigned to the Electric Systems Support Department, was discriminated against for raising safety concerns.

The evidence developed in this investigation did not substantiate the allegation of discrimination against a Duke Energy Corporation employee for reporting safety concerns.

~~NOT FOR PUBLIC DISCLOSURE WITHOUT APPROVAL OF FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

Approved on on 3/13/00

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