



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

January 25, 2001

Carolina Power and Light Company
ATTN: Mr. J. S. Keenan
Vice President
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

SUBJECT: DEPARTMENT OF LABOR (DOL) CASE NO. 97-ERA-32
(BILLIE W. CHILDERS, JR. v. CAROLINA POWER AND LIGHT COMPANY)

Dear Mr. Keenan:

On October 21, 1996, the NRC's Office of Investigation (OI) initiated an investigation to determine if Billie W. Childers, Jr. was subjected to illegal discrimination by Carolina Power and Light Company (CP&L) management while employed at the Brunswick Steam Electric Plant. The OI investigation, documented in OI Report No. 2-1996-041, concluded that the evidence developed did not substantiate that Mr. Childers was subjected to illegal discrimination. By letter dated July 31, 2000, you were provided a copy of the OI report synopsis, and informed that the NRC would hold final judgement in the case pending completion of DOL activities.

As background, on January 29, 1998, a U.S. Department of Labor (DOL) Administrative Law Judge (ALJ) issued a Recommended Decision and Order regarding a similar complaint of discrimination filed by Mr. Childers. The ALJ found that the evidence showed that CP&L had legitimate, non-discriminatory reasons for actions taken against Mr. Childers. Based on this, the ALJ dismissed the complaint. This case was subsequently appealed to the DOL Administrative Review Board (ARB Case No. 98-077). On December 29, 2000, the ARB issued a Final Decision and Order dismissing the case on its merits.

Based on the ARB's dismissal, the NRC plans no further action regarding this matter. Should you have any questions concerning this letter, please contact me at 404-562-4421.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Anne T. Boland
Enforcement Officer

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