



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

June 22, 2001

Southern Nuclear Operating Company, Inc.
ATTN: Mr. H. L. Sumner, Jr.
Vice President
P. O. Box 1295
Birmingham, AL 35201-1295

SUBJECT: NRC OFFICE OF INVESTIGATIONS (OI) INVESTIGATION (NO. 2-2000-021)

Dear Mr. Sumner:

Enclosed for your information is the synopsis to the Nuclear Regulatory Commission (NRC) Office of Investigations (OI) completed report regarding alleged discrimination by the Southern Nuclear Operating Company (SNOC) against a Hatch Nuclear Plant employee for engaging in protective activity. The employee filed a complaint with the U.S. Department of Labor (DOL) on June 26, 2000.

Based upon the evidence developed during the investigation, OI did not substantiate that SNOC discriminated against the employee for reporting safety concerns. In addition, the DOL, Occupational Safety and Health Administration, on April 18, 2001, issued its conclusion in the matter which did not verify that discrimination occurred. The DOL finding was not appealed by the complainant to the DOL Office of Administrative Judges.

Based on the OI and DOL findings, the NRC plans no further action with regard to this matter. Should you have any questions concerning this letter, please contact me at 404-562-4421 or at the above address.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document

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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

Docket Nos. 50-321, 50-366
License Nos. DPR-57, NPF-5

Enclosure: Synopsis to OI Report
No. 2-2000-021

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region II, initiated this investigation on August 2, 2000, to determine whether an engineering review site supervisor in the Safety, Audit and Engineering Review Section, at the Edwin I. Hatch Nuclear Plant, Southern Nuclear Operating Company (SNOC) was discriminated against for engaging in activity protected under Section 211 of the Energy Reorganization Act of 1974, as amended, and 10 CFR 50.7.

Based upon evidence developed during this investigation, OI did not substantiate that SNOC discriminated against the employee for reporting safety concerns.

Approved for Release on
June 21, 2001

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~

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