

September 11, 2001

Mr. Oliver D. Kingsley, President  
Exelon Nuclear  
Exelon Generation Company, LLC  
ATTN: Regulatory Services  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2000-042

Dear Mr. Kingsley:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if a radiation protection technician at the Dresden Nuclear Power Plant was disciplined because the technician raised safety concerns. Based on the evidence developed during the investigation, we did not substantiate that the technician was deliberately discriminated against for raising safety concerns. The synopsis from the OI report of investigation is enclosed.

If you have any questions or comments regarding this matter, please contact James Heller or Andrea Kock of the NRC Region III staff at telephone numbers 1-800-522-3025 or (630) 829-9500.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, 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/* Roy J. Caniano for

John A. Grobe, Director  
Division of Reactor Safety

Docket Nos. 50-254; 50-265  
License Nos. DPR-29; DPR-30

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-00-A-0173

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\*\* for permission to release the OI synopsis

## SYNOPSIS

This investigation was initiated on October 23, 2000, by the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region III (RIII), to determine whether a Radiation Protection Technician (RPT) was deliberately discriminated against at the Dresden Nuclear Power Station by having disciplinary action taken against him after raising radiation safety concerns. The RPT alleged that after reporting radiation safety concerns on two occasions, on September 22 and 24, 2000, the RPT was retaliated against by being subjected to a fact-finding meeting which resulted in disciplinary action being taken (1 day off without pay); by being reassigned during the outage; and by having the RPT's performance evaluation lowered in retaliation for having the aforementioned disciplinary action overturned through the union grievance process.

Based upon the evidence developed during the investigation, OI:RIII did not substantiate the allegations that the RPT had been deliberately discriminated against for raising radiation safety concerns. Specifically, OI:RIII did not substantiate the allegation that the RPT was subjected to a fact-finding meeting resulting in disciplinary action in retaliation for raising two radiation safety concerns. In addition, OI:RIII did not substantiate that the RPT was retaliated against by being reassigned during the outage, nor by having the performance evaluation lowered.