



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

October 12, 2000

Randy Robarge
8800 Third Avenue
Pleasant Prairie, WI 53158

SUBJECT: ALLEGATION NO. RIII-00-A-0127

Dear Mr. Robarge:

This is in reference to our letter dated July 20, 2000, which acknowledged your concern of discrimination associated with Commonwealth Edison Company. In that letter, we informed you that the NRC did not plan an investigation into your concern, since you objected to the release of your identity, and an investigation without revealing your identity would be extremely difficult. However, the NRC kept this file open pending the results of the Department of Labor's (DOL's) decision regarding your complaint.

The NRC has received a copy of the DOL's recommended order of dismissal of your case, which was based upon your request. Since we maintained your file open only to monitor the DOL's decision, we now intend to close this concern. Since neither the NRC nor the DOL completed an investigation of your concern, we were unable to substantiate that you were discriminated against due to your filing a previous complaint against Commonwealth Edison. If our understanding of the status of your Department of Labor case is incorrect, please notify one of the Office Allegation Coordinators at the address or telephone number provided below. Pending any information from you indicating that the DOL is evaluating your concern, we plan no further action.

Thank you for informing us of your concern. We take our safety responsibilities to the public very seriously and appreciate your willingness to bring this issue to our attention. Based on the results of our review, we consider the issue closed.

If you disagree with our conclusion or wish to provide additional information, please contact the Region III Office Allegation Coordinators by writing to the U.S. Nuclear Regulatory Commission, Region III, at 801 Warrenville Road, Suite 255, Lisle, Illinois 60532-4351, or calling the NRC


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R. Robarge

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Region III switchboard toll free at (800) 522-3025 or the NRC Safety Hotline at (800) 695-7403.
Your cooperation is appreciated.

Sincerely,


Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

Enclosure: As stated

cc w/enclosure: AMS File No. RIII-00-A-0127

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ENCLOSURE

RIII-00-A-0127

Concern 1:

Commonwealth Edison discriminated against you by informing a prospective employer that you had previously filed discrimination complaints against Commonwealth Edison when you applied for a job. Because the prospective employer was made aware of this, you were not hired.

NRC conclusion for concern 1:

On August 28, 2000, the NRC received the DOL's notice of a recommended order of dismissal of your case, which was based upon your request. Since the NRC held your concern open only to monitor the DOL's evaluation of this matter, we are closing this concern based upon the DOL's dismissal of your complaint. Since neither the NRC or the DOL completed an investigation into your concern, we were unable to substantiate that you were discriminated against for filing a previous discrimination complaint against the company. We plan no further action.

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Sincerely,

/RA/ Roy J. Caniano for

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

Enclosure: As stated

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RETURN RECEIPT REQUESTED

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OFFICE	RIII	N	RIII	N	RIII	N	RIII	N	RIII	N
NAME	Kock		Jorgensen		Berson		Paul		Pederson	
DATE			10-5-00		10/6/00		10/12/00			

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