

November 30, 2001

RI-2000-A-0124

Mr. L. W. Myers  
Senior Vice President  
FirstEnergy Nuclear Operating Company  
Beaver Valley Power Station  
Post Office Box 4  
Shippingport, Pennsylvania 15077

Subject: NRC Office of Investigations Report 1-2000-045

Dear Mr. Myers:

The NRC Office of Investigations (OI) opened an investigation (Case No. 1-2000-045) on November 30, 2000, to determine whether an Instrument and Control Engineer was discriminated against for having raised concerns to Beaver Valley site management relative to Borg-Warner electro-hydraulic valve actuators, and other technical matters. Based on the information developed during the course of the OI investigation, we did not substantiate that the Instrument and Control Engineer was discriminated against as a result of having engaged in protected activity. A copy of the synopsis of the OI report is enclosed.

Although the NRC did not identify that discrimination occurred, we note that during the NRC's investigation of this matter, a few of the employees that were interviewed perceived that site personnel may be hesitant to raise safety concerns as a result of employment actions taken by FENOC management. These employees surmised that the bases for certain employment actions may not have been clearly understood by co-workers, causing them to be apprehensive about raising potential safety issues. We acknowledge that FENOC has been engaged in a significant effort to improve equipment and human performance at Beaver Valley. Your initiatives to improve human performance have included raising performance standards and increasing accountability. It is possible that above noted perceptions may have been rooted in the employees' reaction to the changes that are occurring. We were unable to confirm during the course of this investigation, whether there was any merit to these employee perceptions of a potential effect on the work environment for raising safety concerns. Nonetheless, given the importance of maintaining an appropriate work environment for raising safety issues, we are providing this information to you.

Please note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records (copy enclosed).

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Mr. L. W. Myers

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Should you have any questions regarding this letter, please feel free to contact Mr. J. Rogge, of my staff, at (610) 337-5146.

Sincerely,

/RA/

A. Randolph Blough, Director  
Division of Reactor Projects

Enclosures:  
As Stated

Distribution:

F. J. Congel, OE

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ADAMS (Docket Nos. 50-334 and 50-412)

D. Screnci, PAO

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DATE	11/20/2001	11/20/2001	11/29/2001	11/21/2001	11/20/2001

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## SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI), on November 30, 2000, to determine if an Instrumentation and Controls (I&C) Engineer at the Beaver Valley Power Station (BVPS) had been terminated for raising safety concerns to BVPS management. Specifically, the I&C Engineer claims that his/her employment was terminated due to his/her persistence in pursuing technical concerns relative to two Borg-Warner electro-hydraulic valve actuators, as well as other Borg-Warner actuators that were experiencing ongoing problems.

Based on evidence developed during this investigation, OI did not substantiate that the I&C Engineer was discriminated against (i.e., terminated) as a result of having engaged in protected activities.