

August 5, 2002

RI-2001-A-0043

Mr. John T. Conway
Site Vice President
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, New York 13093

Dear Mr. Conway:

The Region I Field Office of the NRC Office of Investigations (OI), initiated an investigation (OI Case #1-2001-011) on April 18, 2001, to determine whether a Nine Mile Point Unit 2 chemist was discriminated against by the NMP2 Chemistry Manager and Plant Manager for having raised safety concerns regarding Chemistry Department work activities. Specifically, the chemist alleged that he was placed on a Performance Improvement Plan (PIP) and was rated as "Needs Improvement" in his March 2001 job performance evaluation for having raised the safety concerns. Based on the evidence developed during the investigation, OI did not substantiate that the Chemist was discriminated against when he was placed on a PIP in the Fall of 2000 or when he was rated as "Needs Improvement" in his March 2001 job performance evaluation. A copy of the synopsis of OI Report 1-2001-011 is enclosed for your information.

Additionally, OI initiated an investigation (Case #1-2001-020) on June 12, 2001, to determine whether the NMP2 Chemistry Manager and a Senior Reactor Operator (SRO) were planning to perform a containment building effluent release (purge) in March 2001, without having first taken and analyzed a procedurally required "grab sample" of air. Such an action would have been in violation of the technical specification required Offsite Dose Calculation Manual and Operations and Chemistry Department procedures. Ultimately, the purge was performed in accordance with the procedural requirements. Based upon the evidence developed during this investigation, OI did not substantiate that the Chemistry Manager and SRO attempted to deliberately conduct the purge in violation of technical specifications and procedural requirements. A copy of the synopsis of OI Report 1-2001-020 is enclosed for your information.

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. J. T. Conway

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Should you have any questions regarding this letter, please feel free to contact Ms. M. Evans, of my staff, at (610) 337-5224.

Sincerely,

/RA/

A. Randolph Blough, Director
Division of Reactor Projects

Enclosures:
As Stated

Distribution:

F. J. Congel, OE

D. Vito, SAC

ADAMS (Docket Nos. 50-220 and 50-410)

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Region I Docket Room (w/concurrences)

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SYNOPSIS

On April 18, 2001, the United States Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI) initiated this investigation to determine whether a Nine Mile Point Nuclear Station, Unit No. 2 (NMP2), Chemist was discriminated against by the NMP2 Chemistry Manager and Plant Manager for having raised safety concerns regarding Chemistry Department work activities. Specifically, the Chemist alleged that he/she was placed on a Performance Improvement Plan (PIP) and was rated as "Needs Improvement" in his/her March 2001 job performance evaluation for having raised the safety concerns.

Based on the evidence developed during this investigation, OI did not substantiate that the Chemist was discriminated against when he was placed on a PIP in Fall 2000 or when he/she was rated as "Needs Improvement" in his/her March 2001 job performance evaluation.

Case No. 1-2001-011

SYNOPSIS

This investigation was initiated by the Office of Investigations (OI), Region I (RI) Field Office, on June 12, 2001, to determine whether the Nine Mile Point Nuclear Station, Unit No. 2 (NMP2) Chemistry Manager and a Senior Reactor Operator (SRO) were planning to perform a containment building effluent release (purge) in March 2001, without having first taken and analyzed a procedurally required "grab sample" of air. Such an action would have been in violation of the technical specification required Offsite Dose Calculation Manual and Operations and Chemistry Department procedures. Ultimately, the purge was performed in accordance with the procedural requirements.

Based upon the evidence developed during this investigation, OI did not substantiate that the Chemistry Manager and SRO attempted to deliberately conduct the purge in violation of technical specifications and procedural requirements.

Case No. 1-2001-020