

August 13, 2002

RI-2001-A-0117

Mr. Robert M. Bellamy
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, Massachusetts 02360-5599

Dear Mr. Bellamy:

The NRC Office of Investigations (OI) initiated an investigation on November 1, 2001, to determine whether a former security manager was discriminated against for raising security concerns to Entergy (Pilgrim) management. The investigation concluded that there did not appear to be a nexus between protected activity and Entergy's decision to transfer the former security manager to a different position. A copy of the synopsis of the OI Report #1-2001-032 is enclosed.

It is noted that the NRC is aware of the discrimination complaint filed by the individual with the U. S. Department of Labor's Occupational Safety and Health Administration (DOL/OSHA) against Entergy on May 15, 2002. The NRC is also aware that a finding was made by DOL/OSHA against the individual on July 17, 2002, and that the individual has appealed that finding to a DOL Administrative Law Judge (ALJ). The conclusion of the OI investigation notwithstanding, the NRC will await the final decisions of DOL before rendering a final agency decision in this matter, since there is a possibility that future DOL decisions may cause the NRC to reassess its conclusions regarding this matter.

Please note that final NRC documents, including the aforementioned 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).

Should you have any questions regarding this letter, please feel free to contact Mr. C. Anderson, of my staff, at (610) 337-5227.

Sincerely,

/RA by James W. Clifford for/

A. Randolph Blough, Director
Division of Reactor Projects

Enclosures: As Stated

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SYNOPSIS

On November 1, 2001, the Nuclear Regulatory's (NRC) Office of Investigation (OI), Region I (RI), initiated this investigation to determine whether a former senior Security official for the Pilgrim Nuclear Power Station was discriminated against for raising security concerns to licensee management.

Based on Regional Counsel and OI's review of the individual's interview with OI, there does not appear to be a nexus between a protected activity and the licensee's decision to transfer the individual to a different position. Consequently, there does not appear to be a prima facie showing of discrimination and this investigation is closed as unsubstantiated.

Case No. 1-2001-032