

July 26, 2002

RI-2001-A-0008

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 #1-2001-005) on January 25, 2001, to determine whether NMPC management gave a senior reactor operator (SRO) the opportunity to voluntarily resign or have their employment terminated on October 2, 2000, because the SRO engaged in protected activity. Specifically, because the SRO raised questions about delinquent Job Performance Measures (JPMs) for a reactor operator. Based on the evidence developed during the investigation OI did not substantiate that NMPC management gave the SRO the opportunity to voluntarily resign or have their employment terminated because the SRO engaged in protected activity. A copy of the synopsis of OI Report 1-2001-0005 is enclosed for your information.

The SRO filed a discrimination complaint with the U. S. Department of Labor Occupational Safety and Health Administration (DOL/OSHA) in late December 2000. The DOL/OSHA investigation also concluded that NMPC did not take any action against the SRO in retaliation for engaging in protected activities. Based on our review of the findings of the investigations conducted by OI and DOL/OSHA, the NRC has concluded that discrimination did not occur in this instance.

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.

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. R. Blough, Division Director
Division of Reactor Projects

Enclosures: As Stated

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

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SYNOPSIS

On January 25, 2001, the United States Nuclear Regulatory Commission's (NRC) Office of Investigations (OI), Region I (RI), initiated this investigation to determine whether Nine Mile Point Nuclear Station (NMP) management gave a senior reactor operator (SRO), NMP, the opportunity to resign or to be terminated on October 2, 2000, because he/she engaged in a protected activity. Specifically, the SRO raised questions about the completion of a reactor operator's Job Performance Measures (JPMs) and the reactor operator's working qualifications (i.e., ability to stand shift) because the JPMs were incomplete.

Based on the evidence developed during this investigation, OI did not substantiate that NMP management gave the SRO the opportunity to resign or be terminated because he/she questioned the completion of a reactor operator's JPMs and the reactor operator's working qualifications (i.e., ability to stand shift) because the JPMs were incomplete.

Case No. 1-2001-005