

April 18, 2003

Mr. John L. Skolds
Chairman and CEO
AmerGen Energy Company, LLC
4300 Winfield Road
5th Floor
Warrenville, IL 60555

RI-2002-A-0108

Dear Mr. Skolds:

The Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation (Case No. 1-2002-029) to determine if a former electrical maintenance technician at Oyster Creek Generating Station had been discriminated against by AmerGen for engaging in protected activities. Specifically, the electrical maintenance technician asserted that his/her employment was terminated on May 7, 2002, for raising a concern in February 2002 about the qualifications of an electrical department foreman. Based on the evidence developed during this investigation, OI did not substantiate that AmerGen discriminated against the electrical maintenance technician for engaging in protected activities. A copy of the synopsis of OI Report 1-2002-029 is enclosed for your information.

The electrical maintenance technician also filed a discrimination complaint regarding the same matter with the U.S. Department of Labor (DOL) against AmerGen on July 15, 2002. On September 10, 2002, the Regional Administrator for the DOL Occupational Safety and Health Administration (OSHA) regional office in New York, New York, issued a finding that was not in the complainant's favor, stating that the evidence developed during the course of the investigation did not support a violative reprisal against the electrical maintenance technician that was in violation of Section 211 of the Energy Reorganization Act of 1974. The electrical maintenance technician appealed this finding to a DOL Administrative Law Judge (ALJ); however, the electrical maintenance technician subsequently requested that his/her complaint be withdrawn. On November 18, 2002, the DOL ALJ accepted the request to withdraw the complaint, and dismissed the complaint with prejudice.

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.

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Also, in accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions regarding this letter, please feel free to contact Mr. R. Summers, of my staff at (610) 337-5109.

Sincerely,

/RA/

A. R. Blough, Division Director
Division of Reactor Projects

Enclosures: As Stated

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ENCLOSURE 1

RI-2002-A-0108

This investigation was initiated by the U. S. Nuclear Regulatory Commission, Office of Investigations (OI), Region I, on August 21, 2002, to determine if a former electrical maintenance technician at Oyster Creek Generating Station (OC), Forked River, NJ, had been discriminated against by AmerGen for engaging in protected activities.

Based on the evidence developed during this investigation, OI did not substantiate that AmerGen discriminated against the former electrical maintenance technician for engaging in protected activities.