April 23, 2003

Mr. Fred Dacimo RI-2001-A-0137
Vice President - Indian Point Nuclear Generating Station
Entergy Nuclear Operations, Inc.
295 Broadway, Suite 1
Post Office Box 249
Buchanan, New York 10511-0249

Dear Mr. Dacimo:

The Region I Field Office of NRC Office of Investigations (OI) initiated an investigation (Case #1-2001-035) on December 21, 2001, to determine if a contractor security guard was discriminated against in October 2001 (suspended and employment subsequently terminated) by The Wackenhut Corporation (Wackenhut) for raising a safety concern related to a security issue. Based on the evidence developed during this investigation, OI did not substantiate that the contract security guard was discriminated against for engaging in protected activity. A copy of the synopsis of OI Report 1-2001-035 is enclosed for your information.

Notwithstanding the results of the NRC's investigation, we are aware that this discrimination matter is still under review by the U. S. Department of Labor. The NRC will continue to monitor the remaining DOL decisions in this matter to determine if additional action by the NRC is appropriate.

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 Mr. P. Eselgroth, of my staff, at (610) 337-5234.

Sincerely,

/RA by B. E. Holian for/

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

Enclosures:
As Stated

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SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations (OI), Region I Field Office, on December 17, 2001, to determine if a contractor security guard employed by the Wackenhut Corporation, working at Entergy Corporation's Indian Point Nuclear Power Plant, Unit 2, was discriminated against for engaging in a protected activity. Specifically, the security guard believes that in 2001 he/she was suspended and subsequently terminated because he/she raised a safety concern that involved a security issue.

Based upon the evidence developed during this investigation, OI did not substantiate that the security guard was suspended and subsequently terminated as a result of having engaged in a protected activity.