

April 28, 2003

RI-2000-A-0090

Mr. John L. Skolds  
President and CNO  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
5<sup>th</sup> Floor  
Warrenville, Illinois 60555

Dear Mr. Skolds:

On April 30, 2001, the NRC informed Exelon of the results of an investigation initiated by the NRC Office of Investigations (OI), on July 14, 2000, to determine whether a mechanical engineer was discriminated against by licensee management when his employment was terminated on June 30, 2000. It had been asserted that the engineer's employment was terminated as a result of having raised safety concerns to management, and then to the NRC, in 1996 at Peach Bottom Atomic Power Station. We informed Exelon that, based on the evidence developed during this investigation, OI did not substantiate that the mechanical engineer was discriminated against for having raised safety concerns at Peach Bottom in 1996. The OI investigation, documented in OI Report No. 1-2000-025A, was completed on January 31, 2001. A copy of the synopsis of the OI report #1-2000-025A was provided at that time.

Notwithstanding the results of the OI investigation, the NRC did not render the final agency decision regarding this matter at that time, since discrimination complaints with regard to the same issue were still under review by the U. S. Department of Labor. On March 23, 2003, the DOL Administrative Review Board (ARB) issued its Final Decision and Order, supporting an earlier DOL Administrative Law Judge's decision, which granted a motion to dismiss the individual's complaints because they were not filed in a timely manner and indicating that even if the complaints had been timely, evidence was not provided to establish the causal connection between the individual's protected activity and the employment action taken.

The NRC has reviewed the DOL ARB Final Decision and Order and finds no reason to disagree with its conclusions. As such, the NRC plans no further action in this matter.

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Mr. John L. Skolds

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Should you have any questions regarding this letter, please feel free to contact Dr. M. Shanbaky, of my staff, at (610) 337-5209.

Sincerely,

/RA/

A. Randolph Blough, Director  
Division of Reactor Projects

Enclosure:  
As Stated

Distribution:

F. J. Congel, OE

D. Vito, SAC

ADAMS (Docket Nos. 50-277 and 50-278)

D. Screnci, PAO

Region I Docket Room (w/concurrences)

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