October 10, 2003

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

RI-2002-A-0143

Dear Mr. Skolds:

The Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation to determine if a former non-licensed nuclear plant operator (NPO) was discriminated against (denied sick leave and employment terminated) by AmerGen for raising concerns about the augmented offgas system (AOG) and for cooperating with the NRC in an earlier investigation.

Based on the evidence developed during this investigation, OI did not substantiate that AmerGen discriminated against the NPO for engaging in protected activities. Regarding the NPO's termination on October 30, 2002, OI determined that this appeared to be a legitimate business decision based on the NPO's inability to meet the progression requirements of the non-licensed operator (NLO) position, his/her poor performance in the initial licensed operator training program, the fact that there was no position for the individual to return to since the individual's previous site security position had been outsourced to a contractor, and because the site was downsizing. Also, it did not appear that the managers who made the decision to terminate the NPO's employment had knowledge of his/her protected activity. Regarding the NPO's assertion that management denied him/her sick leave on December 23, 2001, being discriminatory, OI concluded that management had reasonable grounds to deny the NPO the sick leave because of the individual's prior misuse of the sick leave policy. OI also noted that there was evidence that management's decision was independent of the NPO's engagement in protected activity.

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).

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).

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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/

A. Randolph Blough, Director
Division of Reactor Projects

Enclosures:
As Stated

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