

November 07, 2003

Mr. Lew W. Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2002-007

Dear Mr. Myers:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if a Radiation Protection Supervisor's employment was threatened as a result of initiating condition reports. Based on the evidence developed during the investigation, we did not substantiate the issue. The synopsis from the OI report of investigation is enclosed.

If you have any questions or comments regarding this matter, please contact James Heller or Andrea Kock of the NRC Region III staff at telephone number (630) 829-9500.

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).

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records.

Sincerely,

/RA/

John A. Grobe, Chairman
Davis Besse Oversight Panel

Docket No. 50-346
License No. NPF-3

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2002-A-0039

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**For permission to release the OI synopsis.

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, on April 22, 2002, to determine whether a Radiation Protection Supervisor (RPS) employed at FirstEnergy Corporation's Davis Besse Nuclear Power Station (Davis Besse) was discriminated against by the Radiation Protection Manager (RPM) for raising safety concerns in a series of Condition Reports addressing problems within the Radiation Protection (RP) Department. The RPS alleged that during a meeting with the RPM concerning problems in the RP Department, the RPS was discriminated against when the RPM threatened the RPS with a knife and also threatened the RPS's employment.

Based upon the evidence developed, this investigation did not substantiate that the RPM discriminated against the RPS for raising safety concerns within the Radiation Protection Department.