

January 27, 2004

Mr. Gary Van Middlesworth  
Acting Site-Vice President  
Point Beach Nuclear Plant  
Nuclear Management Company, LLC  
6610 Nuclear Road  
Two Rivers, WI 54241-9516

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO.3-2002-010

Dear Mr. Van Middlesworth:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if an engineering scheduler was discriminated against for raising safety issues. Based on the evidence developed during the investigation, we did not substantiate that the individual was discriminated against in retaliation for raising safety issues. 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. The instructions for making a request for information under the FOIA are accessible at <http://www.gov/reading-rm/foia/foia-request.html>.

Sincerely,

*/RA/*

Cynthia D. Pederson, Director  
Division of Reactor Safety

Docket Nos. 50-266; 50-301  
License Nos. DPR-24; DPR-27

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2002-0074

\*SEE PREVIOUS CONCURRENCE

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\*\*For permission to release OI synopsis.

## SYNOPSIS

This investigation was initiated on May 20, 2002, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region III (RIII), to determine if an engineering scheduler was discriminated against in violation of 10 CFR 50.7 and 50.5, at the Point Beach Nuclear Plant (PBNP) for raising electrical concerns.

Based on the evidence developed during this investigation, OI:RIII did not substantiate the allegation that an engineering scheduler was discriminated against in violation of 10 CFR 50.5 and 50.7, at PBNP.