

March 23, 2004

Mr. Christopher M. Crane  
President and CEO  
AmerGen Energy Company, LLC  
200 Exelon Way, KSA 3-E  
Kennett Square, PA 19348

RI-2002-A-0164  
RI-2003-A-0031

Dear Mr. Crane:

In January 2003, the Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation (1-2003-008) to determine if several AmerGen employees were discriminated against for engaging in protected activity. Specifically, it had been asserted that several training department employees were disciplined in December 2002 for raising concerns internally about TMI's operator training program.

As background, a conclusion was made in October 2002 via an internal Exelon assessment of initial license training at TMI by the Mid Atlantic Regional Oversight Group (MAROG) that it may be difficult to prepare the then-current SRO class for the February 2003 NRC license exam. As a result of this MAROG conclusion, the TMI Site VP asked that a follow-up root cause assessment be performed. Several training department employees asked and were permitted to participate in the MAROG assessment and follow-up. These employees raised concerns about inadequacies in the operator training program, and resources and administrative support needed to effectively implement the program per Exelon training program guidance. In December 2002, disciplinary warnings were issued to these employees for instructing students with material that was not prepared in accordance with the Exelon Training Program. Discrimination complaints were subsequently submitted to the Employee Concerns Program (ECP). In late February 2003, ECP concluded that these individuals were treated unfairly and recommended revocation of the disciplinary warnings, because the employees had been told, or were given the perception, that they could be candid during the MAROG review and that this would not result in disciplinary action. However, ECP concluded that the unfair treatment was not representative of discrimination related to 10 CFR 50.7 (the NRC employee protection regulation) because of the administrative nature of the problem and also because no training inadequacies were identified that impacted nuclear safety. As a result of the ECP findings, the disciplinary warnings were removed.

Based on the evidence developed during this investigation, OI did not substantiate that these employees were discriminated against for engaging in protected activity.

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

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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.

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).

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

Enclosure:  
10 CFR 9.23, Requests for Records

Mr. C. M. Crane

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