



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

June 18, 2004

Duke Energy Corporation
ATTN: Mr. G. R. Peterson
Vice President
McGuire Nuclear Station
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

**SUBJECT: MCGUIRE NUCLEAR STATION - ALLEGED DISCRIMINATION AGAINST
EMPLOYEE FOR REPORTING SAFETY CONCERNS (OFFICE OF
INVESTIGATIONS CASE NUMBER 2-2003-015)**

Dear Peterson:

This letter concerns the completion of the investigation conducted by the NRC Office of Investigations (OI) related to alleged discrimination by Duke Energy Corporation against a corporate employee who has also filed a complaint with the U.S. Department of Labor (DOL).

Based on the evidence, documentation, and testimony developed during the investigation, OI did not substantiate the allegation that Duke Energy management discriminated against an individual for reporting safety concerns. With respect to related DOL activity in this case, the complainant did not prevail with the Occupational Safety and Health Administration or the DOL Administrative Law Judge; however, the case remains open pending a final determination by the Administrative Review Board. As such, the NRC will continue to monitor the DOL activity for any appropriate action. We will advise you of our review and conclusions regarding the DOL activities in future correspondence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 contact me at 404-562-4653.

Sincerely,
/RA/
Anne T. Boland, Chief
Plant Support Branch
Division of Reactor Safety

Docket Nos: 50-369, 370
License Nos: NPF-9, NPF-17

cc: (See page 2)

DEC

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NAME	A BOLAND	R HAAG	C. EVANS				
DATE	June 18, 2004	June 18, 2004	June 18, 2004				
E-MAIL COPY?	YES NO	YES NO	YES NO				

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