

**From:** Brent Clayton  
**To:** Collins, Samuel; Congel, Frank; Dambly, Dennis  
**Date:** 05/07/2003 7:58AM  
**Subject:** OI Report 3-2001-055, Dresden

Sensitive allegation information.

This is the 3-week e-mail pursuant to Enforcement Manual Section 7.5.4.1 for an Office of Investigations (OI) report which does not substantiate the concerned individual's concerns.

This OI report involves alleged discrimination against a former principal auditor. The concerned individual (CI) alleged that he had made audit findings during a 1997 audit of General Electric (G. E.) and when the responsible G. E. manager subsequently became a ComEd manager, the CI received lowered performance appraisals in retaliation for the audit findings. In addition, the CI alleged that he was terminated by Exelon for raising safety concerns, and that he was blacklisted from gaining employment at Sargent & Lundy (S&L) because of safety concerns raised while employed by ComEd/Exelon.

The evidence developed by OI did not indicate that the CI's appraisal ratings were negatively effected by his G. E. audit findings, or that he was terminated because of any protected activity. The nuclear QA group supervisor who wrote the CI's performance appraisals for the pertinent years said that his ratings were never changed by anyone, and that no one had tried to influence his ratings. Late in 2000, the CI applied for, and was selected for, a position in the internal audits group. In connection with the merger between ComEd and PECO which occurred in October 2000, Exelon performed a strategic performance assessment of the internal audits group in the summer of 2001. As a result, positions were created or changed to be consistent on a corporate-wide basis and to follow best industry practices, and all the group's employees had to reapply for their positions. The CI did not reapply for the position he currently held but applied only for a manager position for which he was not qualified. He was subsequently terminated.

The OI investigation also did not establish any evidence that CI was blacklisted by S&L or that anyone from Exelon had provided any adverse information to S&L regarding the CI.

Unless we receive a differing opinion, Region III will consider this matter closed 3 weeks from the date of this e-mail, May 28, 2003. The CI also filed a complaint with DOL/OSHA. Both the OSHA Area Director and the DOL ALJ issued findings of no merit. However, the NRC allegation file will remain open pending the final decision of DOL.

If you have any questions regarding this case, please contact me by telephone at 630-810-4373 or via email (HBC).

**CC:** Caldwell, James; Dapas, Marc; Dudes, Laura; Dyer, Jim; Frye, Timothy; Hilton, Nick; Miller, Chris; OAC3; Paul, Richard; Weil, Charles

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