

June 1, 2006

Mr. James H. Lash
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Post Office Box 4
Shippingport, PA 15077

RI-2004-A-0129

Subject: NRC Office of Investigations Case 1-2005-004

Dear Mr. Lash:

On February 15, 2005, the Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation to determine if a former senior nuclear technologist at Beaver Valley was discriminated against for raising safety concerns. Specifically, the former technologist purported that he/she was demoted and eventually terminated in August 2004 because of raising concerns related to the chemistry data management system.

FENOC provided extensive documentary and testimonial evidence to support that the former technologist's employment was terminated based on performance issues. These issues were documented in his/her performance appraisals and in a formal Performance Improvement Plan. As part of the reorganization process, FENOC's Safety Conscious Work Environment (SCWE) Review Team conducted an independent review of the former technologist's situation. This review concluded that his/her non-selection for a position at Beaver Valley was appropriate and there was no connection between the non-selection and having raised safety concerns. In addition, there were other positions eliminated or left unfilled in the reorganization.

Based on the evidence developed during the investigation, OI did not substantiate that the former technologist was demoted and eventually terminated in August 2004 because of raising concerns related to the chemistry data management system. OI conducted numerous personnel interviews, and reviewed available documentation. OI concluded that he/she was terminated as a result of poor performance.

Please note that final NRC investigation 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 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.

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Sincerely,

/RA/

Brian E. Holian, Director
Division of Reactor Projects

Enclosure: 10 CFR 9.23, Request for Records

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