

April 16, 2007

Mr. Kevin Neitmann  
Acting Vice President Nine Mile Point  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093

RI-2005-A-0114

Subject: NRC Office of Investigations Case 1-2005-038

Dear Mr. Neitmann:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2005-038) on September 2, 2005, to determine if a former fire protection supervisor was discriminated against (terminated from his/her job) for raising safety concerns. Specifically, the former fire protection supervisor claimed to have been terminated after he/she advised management of concerns regarding many fire protection issues via Deficiency Event Reports (DERs), which included equipment testing deficiencies, a large work backlog, inadequate training, lack of management support for fire protection, and inadequate control of combustible materials. Based on the evidence developed during the investigation, OI did not substantiate that the former fire protection supervisor was terminated for having raised safety concerns.

Testimonial and documentary evidence show that the former fire protection supervisor was terminated for cause based on a legitimate business reason. OI reviewed documents and received testimony indicating that licensee management followed proper procedures with respect to the termination. OI found that the totality of the evidence supported the licensee's decision to terminate the individual based on poor past performance and the inability to meet the goals or show improvement, not because of involvement in raising safety issues.

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.

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).

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No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. B. McDermott of my staff at (610) 337-5233.

Sincerely,

/RA/

David C. Lew, Director  
Division of Reactor Projects

Enclosure:  
10 CFR 9.23, Request for Records

Distribution:

C. Carpenter, OE

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ADAMS (Docket Nos. 50-220 and 50-410)

D. Screnci, PAO

Region I Docket Room (w/concurrences)

**SUNSI Review Complete: RJU (Reviewer's Initials)**

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