



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 31, 2007

Mr. Christopher M. Crane
President and CNO
Exelon Nuclear
Exelon Generation Company, LLC
200 Exelon Way KSA 3-E
Kennett Square, PA 19348

RI-2005-A-0060

SUBJECT: NRC OFFICE OF INVESTIGATIONS CASE NO. 2-2005-025

Dear Mr. Crane:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 2-2005-025) on June 9, 2005, to determine if a former employee of The Wackenhut Corporation (TWC) was the subject of employment discrimination for raising nuclear safety concerns. Specifically, because the former employee had raised concerns to upper management at both Exelon and TWC, the individual asserted that his/her unescorted access was placed on hold, he/she was placed on administrative leave, and his/her employment was subsequently terminated in June 2005. Based on documentary and testimonial evidence developed during the OI investigation, the NRC did not substantiate that the former employee was discriminated against as a result of raising safety concerns.

On May 5, 2005, the former employee filed a complaint under Section 211 of the Energy Reorganization Act, as amended, with the U. S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA). After the Regional Administrator of the DOL/OSHA Region 3 Office in Philadelphia, PA, concluded that the former employee's suspension and subsequent termination were not discriminatory, the employee requested a hearing. As the result of a settlement, on July 19, 2006, the former employee moved to withdraw and voluntarily dismiss his/her complaint and all claims in this case with prejudice. The motion was granted by a DOL Administrative Law Judge, and the case was dismissed.

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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Mr. Christopher Crane

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Should you have any questions regarding this letter, please feel free to contact Mr. Paul Krohn of my staff at (610) 337-5120.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects

Enclosure: 10 CFR 9.23, Requests for Records

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