November 5, 2007

Mr. Pete Dietrich
Site Vice President
Entergy Nuclear Northeast
James A. FitzPatrick Nuclear Power Plant
Post Office Box 110
Lycoming, NY 13093

RI-2003-A-0068

Subject: NRC Office Of Investigations Case No. 1-2003-034

Dear Mr. Dietrich:

On May 14, 2004, we informed you that the Region I Field Office, NRC Office of Investigations, determined that a former employee was not discriminated against for having raised a safety concern about the analysis of a postulated fire impacting the ventilation of pump rooms housing safety-related equipment. We also informed you that the NRC would await a final Department of Labor (DOL) ruling on the former employee's discrimination complaint.

On August 31, 2007, the DOL Administrative Review Board (ARB) reversed an earlier decision by the Administrative Law Judge, and determined that the former employee was not subject to discriminatory action. The NRC has reviewed the DOL ARB decision. We have determined that our findings and conclusions are valid as previously provided to you in our letter dated May 14, 2004. Therefore, the NRC considers this matter closed.

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 Mr. Eugene Cobey of my staff at (610) 337-5171.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects

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