



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
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KING OF PRUSSIA, PA 19406-1415

December 21, 2009

Mr. David A. Heacock
President and Chief Nuclear Officer
Dominion Resources
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

RI-2008-A-0065

Subject: NRC Office of Investigations Case No. 1-2009-009

Dear Mr. Heacock:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation on November 5, 2008, to determine if a former senior health physics technologist (HPT) employed by Northeast Utilities (NU), the previous licensee for Millstone, was discriminated against because of a prior protected activity. Specifically, the former HPT believed that when he/she sought reemployment through Dominion (current licensee) and Bartlett (subcontractor) to gain employment at Millstone in 2008, he/she was denied employment because of a prior protected activity. Based on testimonial and documentary evidence, the NRC was unable to substantiate that the former HPT was subject to discrimination for previously engaging in a protected activity.

Based on a previous NU settlement agreement, the former HPT agreed not to apply for a position at Millstone until sometime in April 2008. Prior to that time, the former HPT sought employment with Bartlett Nuclear, Inc. when he/she submitted an application in January 2008 for the Spring 2008 outage at Millstone. Therefore, the application submitted in January 2008 could not have been considered. In addition, due to a good faith mistake made by a Bartlett administrative assistant, the former HPT would not have been considered for the outage work anyway because his/her status in the computer database was not updated to "active" when the application was submitted. Regarding the Fall 2008 outage at Millstone, the former HPT failed to submit an application.

With regard to seeking employment with Dominion, the evidence revealed that for one of the applications, the former HPT was rejected by the hiring manager in favor of more qualified candidates, not because of his/her prior protected activity. For the other applications, the former HPT's name was not forwarded to the hiring managers due to a misunderstanding by a Human Resources (HR) generalist. The HR generalist mistakenly believed that the former HPT was banned from being hired at Millstone. Nevertheless, despite the fact that the former HPT's name was not forwarded to the hiring managers, the managers testified that they would not have considered the former HPT because there were a number of more highly qualified candidates.

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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Should you have any questions regarding this letter, please contact Mr. D. Jackson of my staff at (610) 337-5306.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects

Enclosure: As Stated

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