

TO Terry Reis
FROM Jim Wellm

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IA 99-023

[REDACTED]
[HOME ADDRESS DELETED
UNDER 2.790]

SUBJECT: NRC Office of Investigations Case No. 3-1998-007

Dear Mr. Sears:

This letter refers to an investigation conducted by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI). The purpose of the investigation was to determine whether you discriminated against a radiation protection supervisor at the Perry Nuclear Power Plant for providing testimony as a witness in a U.S. Department of Labor (DOL) hearing. The investigation supports a finding that you were involved in adverse employment action against the supervisor for engaging in protected activities by giving the supervisor a verbal counseling concerning the deposition he was to provide in the DOL proceeding on July 17, 1997, and by placing a memorandum documenting the verbal counseling in the supervisor's section personnel file on July 22, 1997. As a result, the NRC has taken enforcement action against FirstEnergy Nuclear Operating Company for a violation of 10 CFR 50.7, "Employee Protection."

The NRC has carefully assessed your involvement in this matter and concluded that enforcement action against you is not warranted because of your unfamiliarity with the requirements of 10 CFR 50.7 and the lack of training provided to you in this area by your employer. Enclosed is a copy of the enforcement action with a summary of the findings in Case 3-1998-007 for your information. Discriminatory personnel actions are very serious matters and will not be tolerated by the NRC. Should you be involved in a similar violation in the future, significant action could be taken against you.

You are not expected or required to respond to this letter. However, if you elect to provide a response, please provide it to me within 30 days of the date of this letter.

Sincerely,

for James F. Caldwell
J. E. Dyer
Regional Administrator

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- Enclosures. 1. Notice of Violation and Proposed
Imposition of Civil Penalty Issued
FENOC
2. OI Synopsis

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