

July 21, 2003

Mr. Lew W. Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2002-047

Dear Mr. Myers:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine whether a former Radiation Protection Manager was terminated due to reporting safety concerns to the NRC. Based on the evidence developed during the investigation, we did not substantiate the issue. The synopsis from the OI report of investigation is enclosed.

If you have any questions or comments regarding this matter, please contact James Heller or Andrea Kock of the NRC Region III staff at telephone number (630) 829-9500.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, 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).

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records.

Sincerely,

/RA/

John A. Grobe, Chairman
Davis-Besse Oversight Panel

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2002-A-0205

*SEE PREVIOUS CONCURRENCE

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| NAME | *Kock | | *Riemer | | *Paul** | | *Clayton** | | *Berson | | Grobe | |
| DATE | 06/27/03 | | 7/1/03 | | 7/7/03 | | 7/14/03 | | 7/15/03 | | 7/21/03 | |

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* *For permission to release the OI synopsis.

SYNOPSIS

The U.S. Nuclear Regulatory Commission (NRC), Office of Investigations, Region II, initiated this investigation on December 3, 2002, to determine if a former health physicist (HP), an employee at First Energy Nuclear Operating Company's (First Energy) Davis-Besse Nuclear Power Station (DBNPS), was discriminated against by management for raising safety issues to the NRC.

Based on evidence, testimony, and documentation developed during this investigation, the allegation that the former HP was the subject of employment discrimination for raising safety issues to the NRC was not substantiated.