



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

August 19, 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. 3-2003-001

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 systems engineer was discriminated against by being placed on administrative leave for raising safety issues. Based on the evidence developed during the investigation, we did not substantiate that the systems engineer was discriminated against for raising safety issues. 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,

A handwritten signature in black ink, appearing to read "John A. Grobe", is positioned above the printed name.

John A. Grobe, Chairman  
Davis-Besse Oversight Panel

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2002-A-0203

## SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, on January 6, 2003, to determine if a system engineer at the Davis-Besse Nuclear Power Station, Port Clinton, Ohio, had been discriminated against by his employer, FirstEnergy Nuclear Operating Company (FENOC), for engaging in protected activities.

Based on evidence developed, this investigation did not substantiate that FENOC discriminated against the system engineer for engaging in protected activities.

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Sincerely,

/RA/

John A. Grobe, Chairman  
Davis-Besse Oversight Panel

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\* for permission to release the OI synopsis