

November 21, 2003

Mr. William R. Kanda
Vice President - Nuclear, Perry
FirstEnergy Nuclear Operating Company
P. O. Box 97, A210
10 Center Road
Perry, OH 44081

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2002-044

Dear Mr. Kanda:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if a reactor engineer was discriminated against, in the form of termination, for raising safety issues concerning options for mitigating fuel failures and failure to replace a Traversing Incore Probe Indexer. 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. The instructions for making a request for information under the FOIA are accessible at <http://www.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

CynthiaD. Pederson, Director
Division of Reactor Safety

Docket No. 50-440
License No. NPF-58

Enclosure: OI Synopsis

cc w/enclosure: AMS File No. RIII-2002-A-0186

G:\EICS\AMS-LTRS\020186\020186.oisynlic.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RIII	N	RIII	N	RIII	N	RIII	N	RIII	N	RIII
NAME	Kock		Hills		Kryk for Paul**		Clayton**		Berson		Pederson
DATE	11/5/03		11/13/03		11/17/03		11/18/03		11/19/03		11/21/03

OFFICIAL RECORD COPY

**For permission to release OI synopsis.

SYNOPSIS

The U.S. Nuclear Regulatory Commission, Office of Investigations, Region II, initiated this investigation on November 6, 2002, to determine if a reactor engineer at the Perry Nuclear Power Plant (PNP), was discriminated against by management for raising safety issues concerning fuel failures at PNP.

Based on evidence, testimony, and documentation developed during this investigation, the allegation that the reactor engineer was the subject of employment discrimination for raising safety issues concerning fuel failures at PNP was not substantiated.