

May 25, 2005

Mr. R. Anderson
Vice President
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P. O. Box 97, A290
10 Center Road
Perry, OH 44081

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-2002-046S

Dear Mr. Anderson:

This letter refers to an investigation conducted by the U. S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine whether a plant operator at the Perry Nuclear Power Plant was discriminated against for writing a condition report. This allegation was brought to our attention on October 25, 2002. Based on the evidence developed during the investigation, OI did not substantiate the allegation. The OI report synopsis is enclosed.

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

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, it's 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). The NRC's document system 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.nrc.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

Mark A. Satorius, 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-0200

G:\EICS\AMS-LTRS\02AS\0200200.perry\0200200.cls letter to lic.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	N
NAME	Pelke		Lipa		Paul**		O'Brien**		Berson		Satorius	
DATE	5/17/05		5/19/05		5/23/05		5/23/05		5/25/05		5/25/05	

OFFICIAL RECORD COPY

**For permission to release OI synopsis.

SYNOPSIS

This investigation was initiated by the U. S. Nuclear Regulatory Commission, Office of Investigations, Region III, on October 7, 2003, to determine whether a plant operator at the Perry Nuclear Power Plant was discriminated against for writing a condition report.

Based on the evidence developed, this investigation did not substantiate the allegation that a plant operator was discriminated against for writing a condition report.