

March 21, 2006

Mr. James H. Lash
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Post Office Box 4
Shippingport, PA 15077

RI-2004-A-0149

Subject: NRC Office of Investigation Report 1-2004-045

Dear Mr. Lash:

The Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation (Case No. 1-2004-045) on October 5, 2004, to determine if a former employee, an advanced nuclear quality evaluator (NQE) was discriminated against by being laid off on August 23, 2004, as the result of raising safety concerns (some concerns were associated with diesel generator voltage regulators).

Based on the evidence developed during this investigation, the NRC was unable to substantiate that the former employee was discriminated against for raising safety concerns. The OI investigation concurred with the DOL's conclusion that FENOC provided ample proof that the personnel action taken would have occurred independent of whether the NQE was engaged in the protected activity in question. The evidence, both testimonial and documentary, shows that the NQE was selected for layoff because the NQE's experience and skills did not meet the needs of Beaver Valley's new Oversight organization. More specifically, the NQE's limited field experience in the plant was viewed as a significant detriment in the new Oversight organization.

OI found that the FENOC wide reorganization was designed to implement common practices across the FENOC fleet and to right size the organization. Interviews and documentation reviews indicated that the identification of significant safety issues by an individual including the NQE would have been evaluated as a positive since this is one of the main functions of the Oversight organization. Taking all the data into account, OI concluded that the NQE was not discriminated against for raising safety concerns.

Please note that final NRC documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

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Also, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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).

Should you have any questions regarding this letter, please feel free to contact Dr. Ron Bellamy of my staff at (610) 337-5200.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Reactor Projects

Enclosure:
10 CFR 9.23, Requests for Records

Mr. James H. Lash

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