

FORM 44: Letter Transmitting OI Report Synopsis in DOL Cases

[Licensee/Contractor/vendor]

[Address]

SUBJECT: DEPARTMENT OF LABOR (DOL) CASE NO. [X] -
([Name] v. [Licensee/ contractor/ Vendor])

Dear [Name]:

On [Date], the NRC's Office of Investigation (OI) initiated an investigation to determine if [Name(s)] was subject to [Adverse Action] for [Protected Activity]. The OI investigation, documented in OI Report No. [X], was completed on [Date]. OI concluded that there was [was not] sufficient evidence developed during the investigation to substantiate discrimination.

On [Date], the U.S. Department of Labor's (DOL) OSHA Division in [Location] received a complaint on a similar matter filed by [Name(s)], a former employee(s) of [Licensee/Contractor/vendor name(s)]. On [Date], the OSHA Regional Administrator issued a decision in this case and concluded that [Conclusion]. [Licensee/contractor/vendor or complainant] subsequently appealed the decision and action is pending before a DOL Administrative Law Judge. [If the strategy is to hold NRC's Enforcement Decision] The staff will hold its judgement on whether or not enforcement action is warranted in this matter until after an adjudicatory decision by a DOL ALJ. [If the strategy is to go forward with a possible enforcement action] The staff is considering this matter for enforcement, which will be the subject of separate correspondence.

We are providing the parties involved in the DOL hearing the results of the OI investigation. A copy of the synopsis of the OI report is enclosed. 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, Requests for Records.

Should you have any questions regarding this letter, please feel free to contact me at [Phone Number].

Sincerely,

[Name]
Enforcement and Investigations
Coordination Staff

Enclosure: Synopsis of OI Report No. [X]

cc w/encl: [Individual's Name]
[Individual's Attorney, if known]