June 29, 2005

Mr. George Vanderheyden
Vice President Calvert Cliffs Nuclear Power Plant
Constellation Generation Group, LLC
1650 Calvert Cliffs Parkway
Lusby, Maryland 20657-4702

RI-2003-A-0132

Subject: NRC Office of Investigations Case No. 1-2003-055

Dear Mr. Vanderheyden:

On October 30, 2003, the Region I Field Office of the NRC Office of Investigations (OI) initiated an investigation (Case No. 1-2003-055) to determine if a former contract employee at Calvert Cliffs was discriminated against for engaging in protected activity. Specifically, the former contract employee believed he/she was blacklisted from future employment at Calvert Cliffs for raising safety concerns at Calvert Cliffs, and because Calvert Cliffs management had knowledge that he/she had raised safety concerns while employed at another commercial reactor facility. Based on the evidence developed during this investigation, OI did not substantiate that the former contract employee was discriminated against for engaging in protected activity. The evidence developed by OI supported that Constellation's decision to not employ this individual was based on legitimate, business reasons.

The NRC is aware that on October 15, 2003, the former contract employee submitted a discrimination complaint to the Regional Office of the U.S. Department of Labor (DOL) Occupational Safety and Health Administration (OSHA) regarding the same matter. On December 17, 2003, the Regional Supervisory Investigator from the DOL/OSHA Region 3 Office in Philadelphia, PA, issued a finding that was not in the favor of the former contract employee. The former contract employee appealed the DOL/OSHA finding to a DOL Administrative Law Judge (ALJ). On April 29, 2004, the ALJ dismissed the former contract employee's appeal and request for a hearing because the former contract employee failed to send notice of his appeal and request for hearing before the ALJ to Constellation. The former contract employee appealed the ALJ's April 29, 2004, Recommended Decision and Order to the DOL Administrative Review Board (ARB). Notwithstanding the results of the OI investigation discussed above, the NRC will await the final determination by DOL before rendering a final agency decision in this matter.

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, 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).

Should you have any questions regarding this letter, please feel free to contact Mr. J. Trapp of my staff at (610) 337-5186.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Reactor Projects

Enclosure:
10 CFR 9.23, Requests for Records

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