

October 20, 2006

Gregory R. Reinhard, D.V.M.
Executive director - Global Research Safety & Comp
Merck & Company, Incorporated
Merck Research Laboratories
P.O. Box 2000, RY33-33-508
126 East Lincoln Avenue
Rahway, NJ 07065

RI-2005-A-0079

SUBJECT: NRC Office of Investigations Case No. 1-2006-009

Dear Dr. Reinhard:

On December 1, 2005, the NRC's Office of Investigations (OI) initiated an investigation to determine if a former research associate at the Merck Research Labs was discriminated against by Merck & Company, Incorporated for raising safety concerns. The OI investigation, documented in OI Report No. 1-2006-009, was issued to the NRC staff on April 21, 2006. The potential discrimination involved being passed over for promotions, the inability to transfer to other positions within the company, and the inability to regain his/her position as a research associate after being on long-term disability.

Based on the evidence developed during this investigation, OI did not substantiate that the former research associate was discriminated against for having raised safety concerns. OI determined that (1) Merck did not promote the former research associate because he/she was less qualified than those promoted; (2) the former research associate was not able to obtain a lateral transfer because of the company's hiring freeze and downsizing; and (3) the former research associate was unable to regain his/her position as research associate within the company because there were no employment opportunities available at that time, including the former research associate's old position; not rehiring the former research associate after being on long term disability was not contrary to company policy.

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 provided under 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.

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gregory R. Reinhard

2

RI-2005-A-0079

Should you have any questions regarding this letter, please contact Mr. James Dwyer of my staff at (610) 337-5309.

Sincerely,

/RA/

George C. Pangburn, Director
Division of Nuclear Materials Safety

Enclosure:
10 CFR 9.23, Request for Records

Distribution:

C. Carpenter, OE
R. Urban, SAC
ADAMS (Docket No. 030-14680)
D. Screnci, PAO
Region I Docket Room (w/concurrences)

DOCUMENT NAME: G:\ORA\ALLEG\LICENSEE\20050079lic.wpd

SISP Review Complete: JPD (Reviewer's Initials)

After declaring this document "An Official Agency Record" it **will** be released to the Public.

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	RI/DNMS	ORA/RC	RI/OI	ORA/SAC	DNMS:DD
NAME	J Dwyer	K Farrar	E Wilson	R Urban	Pangburn
DATE	10/17/06	10/17/06	10/17/06	10/20/06	10/20/06

OFFICIAL RECORD COPY