

August 7, 2008

Mr. Keith J. Polson, Vice President  
Nine Mile Point Nuclear Station, LLC  
P.O. Box 63  
Lycoming, NY 13093-0063

RI-2004-A-0006  
RI-2005-A-0019

Dear Mr. Polson:

In a previous letter to Mr. Spina dated March 21, 2005, we informed him, that although the NRC had completed its actions regarding an Office of Investigations case (1-2004-006), the NRC would await a final determination by the Department of Labor (DOL) before rendering a final agency decision regarding a complaint of discrimination by a former employee at Nine Mile Point since the individual had appealed an unfavorable decision from the DOL. On June 30, 2008, the Administrative review Board issued a Final Decision and Order that granted Constellation's motion for summary decision and denied the former employee's complaints.

The NRC has reviewed this ruling and has determined that there was no information contained in the Final Decision and Order that suggested our previous conclusion (that the former employee was not subject to discriminatory actions for raising safety concerns) should be altered. Therefore, we plan no further action on this matter and all NRC actions are complete.

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).

Should you have any questions regarding this letter, please feel free to contact Mr. Glenn Dentel of my staff at (610) 337-5233.

Sincerely,

/RA/

David C. Lew, Director  
Division of Reactor Projects

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Keith J. Polson

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RI-2004-A-0006

RI-2005-A-0019

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**RI-2008-A-0061**

**ENCLOSURE 1**

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