**Department of Energy**
Washington, DC 20585

SEP 29 2000

Gregory Kellam Scott, Esq.
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10808 Hwy. 93, Unit B
Golden, CO 80403-8200

Re: Case No. VBB-0033

Dear Mr. Scott:

This letter concerns the complaint of reprisal that Ms. Barbara L. Nabb submitted to the Department of Energy under 10 C.F.R. Part 708. You have filed a petition for Secretarial review of the appeal decision issued to you on April 5, 2000.

The Part 708 regulations applicable to the petition provide that the Secretary will reverse or revise an appeal decision by the Director of the Office of Hearings and Appeals only under extraordinary circumstances. 10 C.F.R. § 708.35(d). After fully evaluating all the issues that you raised in your filings dated on July 3, 2000 and August 24, 2000, I have determined that you have not shown that extraordinary circumstances warranting Secretarial review exist in this case. No modification to the appeal decision by the OHA Director is therefore warranted. Accordingly, the petition for Secretarial review is hereby dismissed, and the appeal decision I issued to you on April 5, 2000, constitutes the final agency decision on Ms. Nabb's complaint.

If you have any questions regarding this letter, please call Thomas O. Mann at telephone number (202) 426-1449.

Sincerely,

George B. Breznay
Director
Office of Hearings and Appeals

cc: Ms. Barbara L. Nabb
9231 Travis Street
Thornton, CO 80229