



Issue Date: 25 April 2019

Case No.: 2018-ERA-00007

In the Matter of:

RICHARD BOLDUC
Complainant

v.

SUSQUEHANNA NUCLEAR, LLC
Respondent

ORDER APPROVING SETTLEMENT AGREEMENT

Under cover letter dated and received via federal express on April 18, 2019, counsel for Complainant and counsel for Respondent submitted a Joint Motion for Approval of Settlement Agreement, Dismissal with Prejudice, and Confidential Treatment of Settlement Agreement (“Settlement Agreement”).

The Settlement Agreement includes a confidentiality provision limiting certain disclosures of its terms by the parties. Nonetheless, the records in this proceeding are subject to disclosure under the Freedom of Information Act (“FOIA”). *See* 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013). The Department of Labor will follow appropriate pre-disclosure notification procedures to address any assertion that an exemption to FOIA applies.¹ Beyond that, nothing about the parties’ characterization of the Settlement Agreement changes the public nature of the records which OALJ maintains in this case.

Upon my review of the parties’ Settlement Agreement and pursuant to 42 U.S.C. § 5851(b)(2)(A), I find the terms of the agreed settlement is fair, equitable, adequate and reasonable and was not procured by duress.

¹ *See Seater v. Southern California Edison Co.*, 1995-ERA-13 (ARB March 27, 1997) (“If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine at the time a request is made whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.”)

The agreed settlement should be and is hereby approved. The formal hearing scheduled for April 23, 2019 in Scranton, PA is CANCELLED.

SO ORDERED.

THERESA C. TIMLIN
Administrative Law Judge

Cherry Hill, New Jersey