



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 5, 2000

Mr. H. P. Risley
[HOME ADDRESS DELETED
UNDER 2.790]

SUBJECT: LETTER OF REPRIMAND DATED APRIL 6, 1999

Dear Mr. Risley:

This refers to the submission made on your behalf in response to the Letter of Reprimand (LOR) issued to you by the NRC on April 6, 1999. The LOR stated that your conduct in connection with the demotion of the supervisor in the Engineering Mechanics group at Northeast Nuclear Energy Company's (NNECo's) Millstone Station contributed to a violation of NRC requirements, in particular, 10 CFR 50.7.

In your response, you deny that your actions contributed to a violation and request that the LOR be withdrawn. Generally, you state that the facts underlying the removal of the individual from supervisory activities, do not support a conclusion that he was discriminated against. You also state that you were not provided "due process" prior to the issuance of the LOR.

After reviewing your response, the NRC has concluded that the information you provided did not contain new information that was not available for Commission review prior to issuing the LOR. Additionally, we have evaluated your concern regarding the lack of "due process". Throughout the process leading up to the issuance of the LOR, including the underlying investigation, you were afforded an opportunity to be heard and provide information you believed to be relevant to the NRC's concerns. Further, upon its issuance, you were afforded an opportunity to respond to the LOR prior to its placement in the Public Document Room (PDR). Prior to preparing your response, you were provided with a summary of the findings upon which the LOR was based. Therefore, we believe you were provided with due process appropriate to the specific circumstances of this matter.

A copy of the Millstone Independent Review Team report and Attachment 5, which were previously released in their entirety, as well as redacted portions of Attachments 2-4, are enclosed with this letter. We have not made all of the redactions you requested in your response dated May 14, 1999. However, the NRC has again carefully considered the information contained in your response. The personal performance information contained in the response is relevant to the determination as to whether the person, whose privacy is sought to be protected, was the subject of discrimination. Such discrimination is considered to be a matter of legitimate public interest. Further, release of portions of the information which you seek to have redacted relating to the quality of work performed by the individuals would not constitute a clearly unwarranted invasion of personal privacy provided that the identity of the individual is not divulged. Therefore, we have redacted information, to the extent permitted by law, which could be used to identify the individuals who were subject to discrimination in this case. A copy of your redacted response is enclosed.

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Accordingly, a copy of this letter, a copy of the letter of reprimand and a redacted copy of your response will be placed in the NRC's Public Document Room. The NRC plans no further action regarding this matter.

If you have any questions on this matter, please contact Mr. Brad Fewell, Regional Counsel at 610-337-5301.

Sincerely,



Hubert J. Miller
Regional Administrator

Enclosures: As stated

cc w/encls:

Charles C. Thebaud, Jr., Esq.
Morgan, Lewis & Bockius

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Accordingly, redacted copy of this letter, redacted copies of the letter of reprimand and your response will be placed in the NRC's Public Document Room. The NRC plans no further action regarding this matter.

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Sincerely,

Hubert J. Miller
Regional Administrator

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