

May 24, 2000

EA No. 2000-004

Mr. S. E. Scace, Director
Nuclear Oversight and Regulatory Affairs
Northeast Nuclear Energy Company
P.O. Box 128
Waterford, Connecticut 06385

SUBJECT: REPLY TO NOTICE OF VIOLATION
(NRC Office of Investigations Report No. 1-1997-036)

Dear Mr. Scace:

This letter acknowledges receipt of your letter, dated May 1, 2000, in response to a Notice of Violation we sent to Northeast Nuclear Energy Company (NNECO) on April 3, 2000. The Notice of Violation involved inaccurate information that NNECO provided to the NRC during an inspection.

In the response, NNECO did not contest the violation. The response stated that NNECO management was very concerned about some of the findings that surfaced during an Employee Concerns Program (ECP) investigation of this incident. As a result, NNECO management has communicated to the workforce their expectations regarding the need for accuracy and completeness in all documentation, especially documents submitted to the NRC or maintained for regulatory purposes. In addition, NNECO management will provide further communication of this topic to site personnel in the near future. The NRC has reviewed the corrective actions described in the response, and we plan no further specific action with respect to this matter, other than to continue to monitor the effectiveness of NNECO's corrective actions. Enclosure 1 contains the NNECO response dated May 1, 2000.

NNECO's response also stated that a redacted version of the ECP investigation report was provided to the NRC in a letter dated April 17, 2000. NNECO indicated that the bracketed information should be considered exempt from mandatory public disclosure, pursuant to 10 CFR 2.790(a)(6), because the public disclosure of the bracketed information would clearly constitute an unwarranted invasion of personal privacy. The information NNECO wishes to withhold from public disclosure consists primarily of names, job titles, and other personal identifying information.

We have reviewed your letter in accordance with the requirements of 10 CFR 2.790. We have also consulted with our Regional Counsel on this matter. 10 CFR 2.790(a)(6) exempts from public disclosure "[p]ersonnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In deciding whether certain materials should be withheld from public disclosure, it is appropriate to segregate information which must be withheld from information which may be released. (See 10 CFR 2.790(a).)

We have reviewed your request and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statement, have determined that the submitted information sought to be withheld contains personal information, the disclosure of which would be a clearly unwarranted invasion of privacy.

Therefore, the version of the submitted information marked as confidential will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The redacted copy of the ECP investigation report that NNECO provided (Enclosure 2) will be placed in the NRC's public document room.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling such information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, NNECO should promptly notify the NRC. NNECO also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes this information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure. If you have any questions regarding the disclosure of the information, please contact J. Bradley Fewell, Regional Counsel, at (610) 337-5301.

We appreciate your cooperation with us.

Sincerely,

/RA/

Richard J. Urban for

James C. Linville, Director
Millstone Inspection Directorate
Region I

Enclosures:

1. NNECO response dated May 1, 2000
2. ECP Investigation Report (redacted)

Docket No. 05000245
License No. DPR-21

cc w/o encls:

B. D. Kenyon, President and Chief Executive Officer - NNECO
R. P. Necci, Vice President - Nuclear Technical Services
L. J. Olivier, Senior Vice President and Chief Nuclear Officer - Millstone
M. H. Brothers, Vice President - Nuclear Operations
F. C. Rothen, Vice President - Nuclear Work Services
J. T. Carlin, Vice President - Human Services - Nuclear
G. D. Hicks, Director - Nuclear Training Services
C. J. Schwarz, Station Director
D. A. Landeche, Director - Unit 1 Operations
B. S. Ford, Director - Nuclear Safety and Regulatory Affairs
R. G. Fraser, Director - Unit 1 Decommissioning
T. P. White, Manager - Unit 1 Nuclear Oversight
D. A. Smith, Manager - Regulatory Affairs
L. M. Cuoco, Senior Nuclear Counsel

cc w/encls:

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N. Burton, Esquire
V. Juliano, Waterford Library
J. Buckingham, Department of Public Utility Control
State of Connecticut SLO Designee
First Selectmen, Town of Waterford
D. Katz, Citizens Awareness Network (CAN)
T. Concannon, Co-Chair, NEAC
R. Bassilakis, CAN
J. M. Block, Attorney, CAN
G. Winslow, Citizens Regulatory Commission (CRC)
E. Woollacott, Co-Chair, NEAC

Mr. S. E. Scace

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