

October 3, 1997

MEMORANDUM TO: L. Joseph Callan
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-191 - PROPOSED
\$2,100,000 CIVIL PENALTY TO NORTHEAST NUCLEAR
ENERGY COMPANY CONCERNING VIOLATIONS AT
MILLSTONE UNITS 1, 2, AND 3 (EAs 96-034;
96-067; 96-086; 96-106; 96-145; 96-183;
96-197; 96-198; 96-331; 96-332; 96-333;
96-350; 96-351; 96-352; 97-141)

This is to advise you that the Commission has not objected to the proposed civil penalties to Northeast Nuclear Energy Company concerning violations at the Millstone site. Communications with the public should emphasize that the issuance of the proposed civil penalty is rooted in the degree of noncompliance with NRC requirements rather than actual consequences to public health and safety. In addition, the Commission has not objected to the exercise of enforcement discretion without further Commission consultation for additional violations that meet the criteria of Section VII.B.2 of the Enforcement Policy (NUREG-1600). The Commission understands that action for willful violations will be considered under the current Enforcement Policy on a case-by-case basis.

The first sentence of the second full paragraph on page 4 of the letter to the licensee should be revised to read:

"Therefore, in consideration of (1) the degree of noncompliance with NRC requirements, (2) the high regulatory significance"

The staff should inform the Commission if the Department of Justice opposes issuance of the proposed civil action.

SECY NOTE: THIS SRM AND SECY-97-191 ARE ENFORCEMENT RELATED AND WILL BE LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE.

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
OGC
CIO
CFO
OCA
OIG