

June 28, 1995

Indiana and Michigan Power Company
ATTN: Mr. E. E. Fitzpatrick
Senior Vice President
Nuclear Generation
One Riverside Plaza
Columbus, Ohio 43216

SUBJECT: NOTICE OF VIOLATION TO HYDRO NUCLEAR SERVICES, INC.

Dear Mr. Fitzpatrick:

Hydro Nuclear Services, Inc., (Hydro) was a contractor at the D. C. Cook Nuclear Power Plant in 1988 when it denied employment to Mr. Shannon T. Doyle for refusing to sign an application that included what he believed was a waiver of his rights under the Energy Reorganization Act of 1974, as amended (ERA). After an adjudicatory hearing, a Department of Labor Administrative Law Judge, (ALJ) concluded that Hydro had not discriminated against Mr. Doyle by denying him employment without his signing the application. However, in March 1994, the Secretary of Labor reversed the ALJ's recommendation, finding that Hydro had discriminated against Mr. Doyle, finding that signing the form would have released Hydro and any other employer from whom Hydro obtained information about Mr. Doyle from any claim that the information had been provided or used to deny Mr. Doyle employment because of activities protected under the ERA.

This is to notify you that the NRC has issued a Notice of Violation to Hydro on this date. The Notice of Violation describes a violation of 10 CFR 50.7, categorized at Severity Level III. Hydro is requested to respond to the letter and document the specific actions taken and additional actions planned to prevent recurrence.

While the NRC is not issuing a separate enforcement action against you for this violation, we presume that you have taken steps to ensure that your contractors are not engaging in discriminatory actions. If additional future violations of this type are identified, the NRC will consider whether escalated enforcement action is appropriate against either Hydro Nuclear or Indiana and Michigan Power Company.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

130910

9507120394 950628
PDR ADOCK 05000315
Q PDR

IFOL
11

Indiana Michigan and Power Company -2-

You are not required to respond to this letter. The enclosed letter and Notice of Violation, and any response you provide to this letter, are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

/s/ W. L. Axelson, Director
W. L. Axelson, Director
Division of Reactor Projects

Docket Nos. 50-315, 50-316
License Nos. DPR-58, DPR-74

Enclosure: As Stated

cc/ encl.:
Hydro Nuclear Services, Inc.
A. A. Blind, Plant Manager
James R. Padgett, Michigan Public
Service Commission
Michigan Department of
Public Health

Distribution:

PDR
 LPDR
 SECY
 CA
 JMTaylor, EDO
 JLMilhoan, DEDO
 JLieberman, OE
 HMiller, R:III
 LChandler, OGC
 JGoldberg, OGC
 WTRussell, NRR
 RZimmerman, NRR
 DCrutchfield, NRR
 FGillespie, NRR
 EBaker, NRR
 Enforcement Coordinators
 RI, RII, RIII, RIV
 JIsom, RI, D. C. Cook
 EHayden, OPA
 DWilliams, IG
 GCaputo, OI
 EJordan, AEOD
 DDandois, OC
 DRosano, OE
 OE Files (2)
 NUDOCS
 State of Michigan

Distribution:

Docket File w/encl
 PUBLIC IE-01 w/encl
 OC/LFDCB w/encl
 SRI D. C. Cook w/encl

DRP w/encl
 RIII PRR w/encl
 D. C. Cook, PM, NRR w/encl
 IPAS (E-Mail) w/encl

Document: On Disk

To receive a copy of this document, indicate in the box "C" - Copy without attach/encl "E" - Copy with attach/encl "N" - No copy

OFFICE	RIII		RIII <i>REP</i>	E	RIII		RIII
NAME	Pirok <i>JP</i>		Pelke		Kropp <i>WK</i>		Axelson <i>W</i>
DATE	06/26/95		06/28/95		06/26/95		06/28/95

OFFICIAL RECORD COPY



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

June 28, 1995

Indiana and Michigan Power Company
ATTN: Mr. E. E. Fitzpatrick
Senior Vice President
Nuclear Generation
One Riverside Plaza
Columbus, Ohio 43216

SUBJECT: NOTICE OF VIOLATION TO HYDRO NUCLEAR SERVICES, INC.

Dear Mr. Fitzpatrick:

Hydro Nuclear Services, Inc., (Hydro) was a contractor at the D. C. Cook Nuclear Power Plant in 1988 when it denied employment to Mr. Shannon T. Doyle for refusing to sign an application that included what he believed was a waiver of his rights under the Energy Reorganization Act of 1974, as amended (ERA). After an adjudicatory hearing, a Department of Labor Administrative Law Judge, (ALJ) concluded that Hydro had not discriminated against Mr. Doyle by denying him employment without his signing the application. However, in March 1994, the Secretary of Labor reversed the ALJ's recommendation, finding that Hydro had discriminated against Mr. Doyle, finding that signing the form would have released Hydro and any other employer from whom Hydro obtained information about Mr. Doyle from any claim that the information had been provided or used to deny Mr. Doyle employment because of activities protected under the ERA.

This is to notify you that the NRC has issued a Notice of Violation to Hydro on this date. The Notice of Violation describes a violation of 10 CFR 50.7, categorized at Severity Level III. Hydro is requested to respond to the letter and document the specific actions taken and additional actions planned to prevent recurrence.


While the NRC is not issuing a separate enforcement action against you for this violation, we presume that you have taken steps to ensure that your contractors are not engaging in discriminatory actions. If additional future violations of this type are identified, the NRC will consider whether escalated enforcement action is appropriate against either Hydro Nuclear or Indiana and Michigan Power Company.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Indiana and Michigan Power Company -2-

You are not required to respond to this letter. The enclosed letter and Notice of Violation, and any response you provide to this letter, are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,


W. L. Axelson, Director
Division of Reactor Projects

Docket Nos. 50-315, 50-316
License Nos. DPR-58, DPR-74

Enclosure: As Stated

cc/ encl.:
Hydro Nuclear Services, Inc.
A. A. Blind, Plant Manager
James R. Padgett, Michigan Public
Service Commission
Michigan Department of
Public Health

Distribution:

PDR

LPDR

SECY

CA

JMTaylor, EDO

JLMilhoan, DEDO

JLieberman, OE

HMiller, R:III

LChandler, OGC

JGoldberg, OGC

WTRussell, NRR

RZimmerman, NRR

DCrutchfield, NRR

FGillespie, NRR

EBaker, NRR

Enforcement Coordinators

RI, RII, RIII, RIV

JIsom, RI, D. C. Cook

EHayden, OPA

DWilliams, IG

GCaputo, OI

EJordan, AEOD

DDandois, OC

DRosano, OE

OE Files (2)

NUDOCS

State of Michigan