



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

August 1, 1995

EA 93-059

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

SUBJECT: DEFERRAL OF PAYMENT OF PROPOSED CIVIL PENALTY

Dear Mr. Fitzpatrick:

This is in response to your letter of January 12, 1995, and subsequent conversations between our respective attorneys, concerning payment of our proposed imposition of a \$25,000 civil penalty as a result of the Secretary of Labor's Decision in case No. 92-ERA-037. That decision concluded that a tool accountability technician was improperly terminated by American Nuclear Resources (ANR), a contractor at the D. C. Cook Plant, after he requested a report concerning his radiation exposure.

We understand that ANR intends to seek judicial review of the Secretary's Decision after some remaining matters concerning backpay and attorneys' fees are resolved by the Department of Labor. Therefore, we agree that payment of the proposed civil penalty is not necessary at this time. Accordingly, Indiana Michigan Power Company may defer payment of the proposed civil penalty until 30 days after judicial review of this matter is completed. Should the Secretary's Decision on the merits ultimately be reversed, we will reconsider the proposed civil penalty.

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

Sincerely,

Hubert J. Miller
Regional Administrator

cc:
A. A. Blind, Plant Manager
James R. Padgett, Michigan
Public Service Commission
Michigan Department of
Public Health

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Indiana Michigan
Power Company

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