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August 2, 1993

Docket No. 50-423  
File No. RI-89-A-0133

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Mr. James Taylor  
Executive Director for Operations  
United States Nuclear Regulatory Commission  
Washington, D. C. 20555-0001

**Subject: 10 CFR 2.206 Request for Enforcement Action**

Reference: Notice of Violation and Proposed Imposition of Civil Penalty  
and Demand for Information, dated May 4, 1993

Dear Mr. Taylor:

I have received a letter from Mr. James Lieberman, NRC Director of Enforcement dated July 15, 1993 responding to my letter of June 4, 1993, requesting appropriate enforcement action for Northeast Utilities (NU) violations of 10 CFR 50.7. I consider Mr. Lieberman's letter unresponsive and evasive to my request and therefore I am requesting the following action pursuant to 10 CFR 2.206.

**Alleged Violation 1.** The NRC Office of Investigation (OI) identified the NU Vice President of Nuclear and Environmental Engineering as one of "...those responsible..." for the actions taken resulting in the HI&D directed against me.

**Requested Action 1.** I request that enforcement action as specified by 10 CFR Part 2 be taken against Dr. Charles F. Sears, former NU Vice President of Nuclear and Environmental Engineering for willful violation of 10 CFR 50.7 and Deliberate Misconduct as defined by 10 CFR 50.5.

**Alleged Violation 2.** Two of my subordinates were suspended as a form of HI&D directed at me. This information was reported to the OI Investigator and he stated to Mr. Caccavale and to my other employee that they were not directly involved in protected activities, and therefore, were not covered by the provisions of 10 CFR 50.7. These retaliatory actions were directed by an NU Corporate Officer above the position of Senior Vice President of NE&O. The implications here are significant in that this implies that it could be "open season" on subordinates and family members, as they are not directly involved in protected activities.

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**Requested Action 2.** Impose a Severity Level 1 violation upon the NU Corporate Officer responsible for directing this retaliatory action in violation of 10 CFR 50.7 and Deliberate Misconduct as defined by 10 CFR 50.5.

**Alleged Violation 3.** The Office of Investigation concluded that **three** NU Corporate Officers were "...those responsible... either directly or indirectly... (and that I)... was the victim of various incidents of HI&D and attempted HI&D as a result of (my) stand on the issue."

**Requested Action 3.** Impose three Severity Level 1 violations upon these NU Corporate Officers for violation of 10 CFR 50.7 and Deliberate Misconduct as defined by 10 CFR 50.5.

**Alleged Violation 4.** According to the enforcement letter, NU attorney, Mr. Ed Richters and NU Manager, Thomas Shaffer, acting on behalf of NU Corporate Management, threatened individuals with letters of reprimand if they did not talk with NU contract attorneys prior to being interviewed by the Office of Investigation. These individuals, Harry Scully and Gilbert Olsen, were about to "Testify in a Commission proceeding" which is defined as a protected activity by 10 CFR 50.7. This is a clear violation of 10 CFR 50.7 as determined by the NRC Office of Investigation. This sends a clear message to the other NU employees that the NRC exempts attorneys from enforcement action.

**Requested Action 4.** Issue a Severity Level 1 for Mr. Richters actions of harassing individuals who were about to "Testify in a Commission proceeding" and a Severity Level 2 Violation to Mr. Shaffer for " Action by plant management above first line supervisor in violation of 10 CFR 50.7..." and Deliberate Misconduct as defined by 10 CFR 50.5.

**Alleged Violation 5.** The NU Manager of Internal Auditing, Mr. Allen P-llack, responsible for conducting the audit of my engineering group, was found by the Office of Investigations to be using falsified credentials, coming to invalid conclusions based on invalid documentation. This Manager of Internal Auditing was fully aware the audit was retaliatory and in violation of 10 CFR 50.7.

**Requested Action 5.** This NU Manager is above the position of first line supervisor and was aware that his actions were in violation of 10 CFR 50.7 and 10 CFR 50.5 therefore a minimum of a Severity Level 2 Violation should be issued.

I realize that the NRC's Director of Enforcement recently stated to the Inspector General's Office that the most realistic and effective way of

"getting a licensee's attention" is through negative publicity involving an enforcement action. After my review of 10 CFR Part 2, Appendix C, I fail to see this type of enforcement action even discussed. I strongly disagree with Mr. Lieberman's opinion as I have had significant feedback from NU employees about the total ineffectiveness of the enforcement action and the apparent reluctance of the NRC to take any meaningful enforcement action.

From the recent Inspector General's report I learned that NU was third in the nation for number of harassment complaints (50) and that more have been filed since this report was completed. Unless the NRC is willing to take some action which will serve as a meaningful deterrent to this continued harassment, the number of complaints will continue to increase. If the NRC is going to ignore the Enforcement action recommended by 10 CFR Part 2, Appendix C, what is the purpose of this section of the Regulations? I look forward to your prompt response.

Sincerely,

*Paul M. Blanch*

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cc: Senator Lieberman  
Chairman Selin  
Mr. Ben Hayes  
Mr. David Williams  
Mr. William Raymond  
Atty. Ernest Hadley