

November 13, 1995

EA 95-248

Mr. John F. Opeka
Executive Vice President - Nuclear
Northeast Nuclear Energy Company
P. O. Box 270
Hartford, CT 06141-0270

SUBJECT: ALLEGED DISCRIMINATION

Dear Mr. Opeka:

On June 27, 1995, the U.S. Department of Labor's Wage and Hour Division in New Haven, Connecticut received a complaint from an individual who raised a number of concerns, including that Millstone management and Bartlett Nuclear acted in concert to deprive him of his livelihood as a senior health physics technician in response to his asking questions about the day-to-day operations of the Millstone facilities. In response to that complaint, the Wage and Hour Division conducted an investigation, and in a letter dated July 27, 1995 the Assistant District Director of the Wage and Hour Division found that the weight of evidence indicated that the individual was engaged in a protected activity within the scope of the Energy Reorganization Act and that discrimination as defined and prohibited by the statute was a factor in the actions which comprised his complaint.

The NRC is concerned that a violation of the employee protection provisions set forth in 10 CFR 50.7 may have occurred and that the actions taken against the individual may have had a chilling effect on other licensee or contractor personnel.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that:

1. Provides the basis for the employment action regarding the individual and includes a copy of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

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Your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room. If personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

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.

The responses directed by 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,

Original signed by:

Richard W. Cooper, Director
Division of Reactor Projects

Docket No. 50-423
License No. NPF-49

cc:

M. H. Brothers, Nuclear Unit Director
L. M. Cuoco, Esquire
F. R. Dacimo, Vice President, Haddam Neck Station
R. M. Kacich, Director, Nuclear Planning, Licensing and Budgeting
J. J. LaPlatney, Haddam Neck Unit Director
D. B. Miller, Senior Vice President, Millstone Station
Nicholas Reynolds, Esquire
S. E. Scace, Vice President, Nuclear Operations Services
J. F. Smith, Manager, Operator Training
J. M. Solymosy, Director, Nuclear Quality and Assessment Services
State of Connecticut SLO

John F. Opeka

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bcc:

Director, OE

Deputy Assistant General Counsel for Enforcement, OGC

Associate Director for Projects, NRR

Name of DOL Area Director

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