

March 13, 1996

Mr. Ted C. Feigenbaum
Executive Vice President - Nuclear
Northeast Utilities Service Company
c/o Mr. Terry L. Harpster
P. O. Box 128
Waterford, CT 06385

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE BASED ON DEPARTMENT OF LABOR
DECISION

Dear Mr. Feigenbaum:

On December 12, 1995 a Department of Labor administrative law judge (ALJ) found, in part, in a Recommended Decision and Order, Case No. 95-ERA-47, that Northeast Nuclear Energy Company and Bartlett Nuclear, Incorporated, a contractor, discriminated against one of their employees for raising safety concerns while performing his duties at the Millstone Nuclear Power Station.

Based on the ALJ finding, it appears that a violation of 10 CFR 50.7 occurred. Accordingly this apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), (60 FR 34381, June 30, 1995). No Notice of Violation is presently being issued.

A predecisional enforcement conference, which will be transcribed, to discuss this apparent violation has been scheduled at 10:00 a.m. on March 20, 1996, at the NRC Region I office in King of Prussia, Pennsylvania. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root cause and corrective actions, significance of the issues and the need for lasting and effective corrective actions. In addition, this is an opportunity for you to point out any errors concerning our understanding of this issue and for you to provide any information concerning your perspectives on 1) the severity of the violation, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. This conference will be open to the public.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding this apparent violation is required at this time; however, any appropriate corrective actions should not be delayed pending this meeting.

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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.

Sincerely,

Original Signed By:

Wayne D. Lanning, Director
Millstone Oversight Team

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

cc w/encl:

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L. M. Cuoco, Esquire
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D. B. Miller, Senior Vice President, Nuclear Safety and Oversight
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