

JUN 1 1990

Docket No. 50-336  
Allegation File No. RI-87-A-0113

[REDACTED]

Dear [REDACTED]

This letter is in response to your letter dated October 27, 1989, requesting that the NRC take action with respect to a proposed settlement agreement offered to you by Connecticut Light and Power Company and W. J. Barney Corporation. You claimed that the proposed agreement contained a restrictive provision, i.e., a provision which would have restricted you from bringing safety concerns to the NRC.

In the first half of 1989, the approximate time frame of the proposed agreement you refer to, the NRC concluded that a number of executed settlement agreements contained restrictive provisions. The NRC concluded that these provisions were void and unenforceable. The NRC took steps to assure that parties to such agreements were aware that they could freely come to the NRC with their safety concerns. Further, the NRC amended its regulations in this area, such as 10 CFR Section 50.7, to explicitly prohibit such restrictive provisions. Because the industry was sent a clear message that restrictive provisions are void and unenforceable, and in light of the above revision to the Commission's requirements, no further action was deemed necessary regarding past restrictive agreements. For these same reasons, no action by the NRC is appropriate in the case you pose where a restrictive agreement may have been proposed during settlement negotiations in 1989.

With respect to the blacklisting issue you raise again based on proposed settlement agreement language, neither that language nor any other information in your letter supports a finding that blacklisting against you was ever attempted.

Concerning your complaint that your rights were violated under 10 CFR Part 50 and 29 CFR Part 24 based on findings documented in Inspection Report 50-336/88-13 and we presume Inspection Report 50-336/89-13, we will address this issue in a separate correspondence.

Information in this record was deleted  
in accordance with the Freedom of Information  
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We plan no further action concerning the proposed settlement agreement. If you have any additional information or questions, please contact me directly.

Sincerely,  
ORIGINAL SIGNED  
EDWARD C. WENZINGER

Edward C. Wenzinger, Chief  
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