



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 2, 1982

Memorandum to File

From: Rick Parrish, OGC *RP*

Subject: MASSACHUSETTS PROPOSAL FOR ALTERNATIVE TO
IMPOSITION OF CIVIL PENALTY ON BOSTON EDISON
(PILGRIM)

Patrick J. Kenny, General Counsel of the Massachusetts Office of Energy Resources, requested OGC's informal opinion regarding the possibility of Boston Ed's satisfying its civil penalty obligations of \$450,000 by contributing a like amount to a state energy conservation fund (February 8, 1982 letter attached). On February 22, I conveyed this office's response to Mr. Kenny, indicating that (1) the NRC was not authorized to order Boston Ed to adopt such a program of funding energy conservation efforts, and (2) it is uncertain whether the NRC could accept a settlement of Boston Ed's civil penalty along these lines, whether proposed by the utility or a third party such as the state agency, and we are not inclined to analyze in depth this concept in the absence of a concrete proposal.

*wrong
subject
for CP*

Mr. Kenny was informed that the NRC staff would review initially such a proposal. Petitions for rulemaking, policy statements, 2.206(a) motions for "such other action as may be proper," or Boston Ed's response to the Notice of Violation were mentioned as possible channels for their proposal. Mr. Kenny indicated that he was uncertain whether any more concrete proposal would be submitted.

cc: R. DeYoung, I&E
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