



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

CORRECTED PAGE

February 9, 1998

EA 97-341

William T. Cottle, President and  
Chief Executive Officer  
STP Nuclear Operating Company  
P.O. Box 289  
Wadsworth, Texas 77483

Dear Mr. Cottle

This is in response to your letter dated January 19, 1998, in which you request reconsideration of our decision not to release, prior to the predecisional enforcement conference scheduled for February 26, 1998, reports of the investigation conducted by the NRC Office of Investigations (OI). The predecisional enforcement conference was requested by the NRC to discuss an apparent violation of 10 CFR § 50.7, "Employee Protection" by STP Nuclear Operating Company. Your request for release of the OI reports prior to the February 26, 1998, predecisional enforcement conference is denied, as explained below.

As the basis for this request, your letter states that the NRC staff may not have provided all the facts that the NRC might consider in making a decision whether to take enforcement action for the apparent violation, and thus that STP will not have a fair opportunity to present its view of the facts and issues before the NRC makes an enforcement decision. Additionally, your letter disputes that a connection can be inferred between the protected activities and adverse actions identified in my letter of January 8, 1998. Your letter also states that the predecisional enforcement conference could lead to individual enforcement action against the Manager of Design Engineering and resultant damage to the reputation of that individual.

As stated in my letter of January 8, 1998, and as your letter acknowledges, one of the purposes of the conference is to obtain the STP Nuclear Operating Company's view of the facts. To that end, my letter of January 8, 1998, identified the protected activities and adverse actions which gave rise to the apparent violation, making clear the matters which the staff intends the licensee to address. My letter, combined with the information that you have gathered through your own investigation and through involvement in preparations for a hearing before the United States Department of Labor on the complaints of four individuals, provides the STP Nuclear Operating Company with the opportunity to meaningfully prepare for the predecisional enforcement conference.

Your letter states the concern that you were not provided all of the facts that the NRC will consider in making its decision, and cites the introductory phrases "among other things" and "including" in listing protected activities and adverse actions as suggesting that the lists are illustrative and not complete. While we recognize that these phrases are subject to different interpretations, the January 8, 1998 letter is all inclusive. While it is true, as you state in your January 19 letter, that Mr. Lieberman raised the issue of the psychologist's involvement, you should not infer from this conversation that the NRC will draw negative inferences from this

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