



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555-0001

March 31, 1999

MEMORANDUM TO: Chairman Jackson

FROM: G. Paul Bollwerk, III *G. Paul Bollwerk, III*  
Acting Chief Administrative Judge

SUBJECT: CLARIFICATION OF ENFORCEMENT DISCUSSION IN  
MARCH 19, 1999 MILLSTONE INDEPENDENT REVIEW  
TEAM REPORT

As a result of the discussions held with you and the Commission regarding the March 19, 1999 report of the Millstone Independent Review Team (MIRT), it became clear that one aspect of the report's discussion required further clarification.

In addressing the enforcement options available to the Commission relative to Office of Investigations Case Nos. 96-002 and 97-007, the discussion in section III.D.1 of the MIRT report was confined to the question of the need for the imposition of a civil penalty or an enforcement order in those cases. For the reasons stated in that section, we concluded that any such need had been obviated by the Northeast Utilities System (NU) response to the agency's October 24, 1996 order as that response had been detailed at a January 19, 1999 Commission briefing. That section was not intended to address the entirely separate question of the appropriateness of agency issuance of a notice of violation (NOV) or a letter of reprimand to NU or any of the individual supervisors involved in those cases and, accordingly, should not be understood as recommending against issuance of an NOV or letter of reprimand.

cc: Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield