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Certified Mail

Return Receipt Requested

Director of the Office of Enforcement
Mr. James Lieberman
U.S. Nuclear Regulatory Commission
White Flint, Maryland 20555

Dear Mr. Lieberman

This is confirming our conversation of this date wherein you advised that you had received my prior correspondences and were in the process of formulating responses to mine of May 3, 1995. You declined to provide me with the names of those persons who are compiling the response to my letter pursuant to my request of May 10, 1995, advising that I can take response up directly with you, or the chairman. You advised that I can expect some response to my inquiries within the month.

You further advised that there will be an "enforcement conference" with management from HL&P on June 16, 1995. I asked that I be allowed to attend that "conference", and you advised that I would not be allowed to attend. It is difficult or impossible to understand how a closed door meeting between the Office of Enforcement and the licensee could further the legitimate purpose of the commission. You advised that you would be seeking new and/or additional information from HL&P at the "conference" and take that information into consideration in arriving at the ultimate enforcement action. It is again difficult, if not impossible, to understand what "new" information HL&P could generate that would effect the NRC's ruling in this matter.

This is truly a matter of long-ago established record. My clients' terminations were investigated by the NRC in 1992. At that time the NRC found that their discharge had been retaliatory. The Department of Labor investigated and likewise found the terminations to be retaliatory and in violation of the ERA. Now, the Administrative Law Judge has, after

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approximately 17 days of trial and 3,700 pages of testimony, found that the terminations were retaliatory and issued its Recommended Decision and Order. In all candor, I must state that, given the well established record in this matter, seeking "new" information from the licensee in a private, closed door, "enforcement conference" is strongly suggestive of collusion. For these reasons I would again request that I be allowed to attend, on behalf of my clients, the "enforcement conference" on June 16, 1995. Written transcripts, as you have advised will be taken of the hearing, are too easily manipulated and cannot take the place of an open hearing. Surely you will agree that the interest of fairness and truth would be furthered by having all sides represented at this "conference".

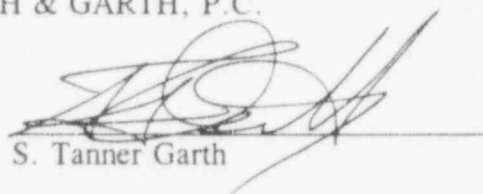
I would appreciate your response to my request to be allowed to attend the conference in writing for my records, as well as so that I may schedule my attendance if it is allowed. At the very least, I must insist that you see to it that the "enforcement conference" is fully transcribed and that said transcripts are made public for scrutiny.

I look forward to your response.

Very truly yours,

FIBICH & GARTH, P.C.

By:


S. Tanner Garth

STG/sr

c: Joe Barton
Ivan Sellin
Ron Wyden
James R. Dean
Dave L. Lamb