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FEDERAL EXPRESS

July 5, 1984

Richard C. DeYoung, Director
Office of Inspection and Enforcement
United States Nuclear Regulatory Commission
Washington, D. C. 20555

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Subject: Three Mile Island, Unit 2
Office of Investigations Report H-83-002

Dear Mr. DeYoung:

This firm represented Bechtel North American Power Corporation ("BNPC") in the legal proceeding which Richard D. Parks commenced before the Department of Labor under Section 210 of the Energy Reorganization Act of 1974 ("ERA"), 42 U.S.C. §5851. We were the attorneys responsible for the handling of this proceeding from its inception until Mr. Parks withdrew his complaint by notice to the Department of Labor, the Nuclear Regulatory Commission and the House of Representatives Interior and Insular Affairs Committee. We wish to comment upon the Office of Investigations' written report issued May 18, 1984 with respect to Mr. Parks' allegations of discrimination.

The subject Office of Investigations' report states at page 10 that the report pertaining to Mr. Parks is being submitted for N.R.C. regulatory and enforcement consideration.

On behalf of BNPC, Mr. Parks' employer during the period which is the subject of the report, we have the following comments and objections to any N.R.C. regulatory or enforcement action with respect to Mr. Park's allegations of discrimination.

1. On the basis of our comprehensive investigation we concluded that Mr. Parks' claims of discrimination were without merit.

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2. On August 4, 1983, Mr. Parks notified the Secretary of Labor, the Nuclear Regulatory Commission and the House of Representatives Interior and Insular Affairs Committee that his complaint against BNPC was withdrawn. See Attachments 1, 2, and 3 hereto.

3. On August 15, 1983, the Department of Labor dismissed Mr. Parks' complaint as requested by him.

4. The Department of Labor complaint was dismissed without any hearing or adjudication being conducted regarding whether or not there was any merit to Mr. Parks' allegations.

5. BNPC demanded an adjudicatory hearing before an Administrative Law Judge so that BNPC could adduce witnesses and documentary proof demonstrating that Mr. Parks' claims were totally without merit. As a result of Mr. Parks' withdrawal of his complaint, BNPC was not afforded an opportunity to present its proof.

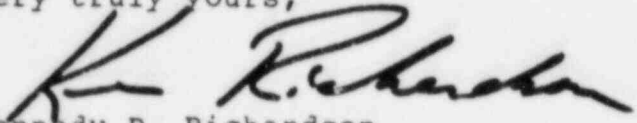
6. The Wage and Hour Division investigation which gave rise to the original notice of non-compliance in respect to Mr. Parks' allegations was preliminary, cursory and patently incomplete. The Wage and Hour Division investigator failed to interview several key witnesses with pertinent knowledge about Mr. Parks' allegations. The investigator talked with only two BNPC employees and did not consider many relevant documents.

7. We are not in a position to respond to the Wage and Hour Division report which the Office of Investigations adopted without question because the Wage and Hour Division's analysis cannot be ascertained from the report in the expurgated form made available by the N.R.C. However, it is important to note that under the Department of Labor's own procedures the Wage and Hour report is not admitted into evidence, considered or even seen by the Administrative Law Judge assigned to hear adjudicatory proceedings conducted under the ERA. Thus, it would be inconsistent and totally inappropriate for the Nuclear Regulatory Commission to take any action whatsoever based upon the Wage and Hour Division's preliminary investigation report in respect to Mr. Parks' allegations.

Office of Inspection and Enforcement
July 5, 1984
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In summary, BNPC concurs with the Office of Investigations' determination not to conduct a further independent investigation of Mr. Parks' withdrawn allegations which have been moot since August, 1983. Moreover, under the circumstances outlined above, it would be inappropriate, unfair and unjust for the Nuclear Regulatory Commission to take any further action in respect to Mr. Parks' unsubstantiated allegations of discrimination by BNPC.

Very truly yours,



Kennedy P. Richardson

KPR/law

cc: Commissioner Nunzio Palladino
Commissioner Thomas Roberts
Commissioner James Asselstine
Commissioner Frederick Bernthal
Commissioner Victor Gilinsky
Harold Denton, Director of Nuclear
Reactor Regulation
GPU Nuclear Corporation

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

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August 4, 1983

Honorable John Earman
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
Suite 700--1111 20th Street, N.W.
Washington, D.C. 20036

Dear Judge Earman:

This is to notify you that Bechtel North American Power Corporation and Richard Parks today announced a mutually amicable agreement to return Mr. Parks to full time work for the company.

Mr. Parks has accepted an assignment as a senior start-up engineer at the Cool Water plant, a pioneering coal gasification project in Southern California.

Mr. Parks is withdrawing his complaint now pending before the U.S. Department of Labor alleging harassment by Bechtel, and will notify the Nuclear Regulatory Commission and the House Committee on Interior and Insular Affairs.

Very truly yours,

Thomas Devine
Legal Director

Counsel for Mr. Parks

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

August 4, 1983

Honorable Morris K. Udall
Chairman
House Interior and Insular Affairs
Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Udall:

This is to notify you that Bechtel North American Power Corporation and Richard Parks today announced a mutually amicable agreement to return Mr. Parks to full time work for the company.

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Thomas Devine
Legal Director

Counsel for Mr. Parks

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1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

August 4, 1983

Chairman Nunzio J. Palladino
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Thomas Devine
Legal Director

Counsel for Mr. Parks