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January 27, 1995

Via Telecopy

Mr. Richard W. Cooper
Director, Division of Reactor Projects for Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Re: Enforcement Conference of Calvin Vondra Relative to NRC Investigation
1-93-021R: Request for OI Transcript and OI Report

Dear Mr. Cooper:

On behalf of Calvin A. Vondra, I am requesting a copy of the transcript of his interview before Ms. K. L. Monroe of the NRC Office of Investigations (OI) Field Office, Region I in the captioned matter. A copy of such transcript is necessary for Mr. Vondra's preparation for the upcoming enforcement conference scheduled for Mr. Vondra concerning an apparent violation of 10 C.F.R. § 50.5. I understand that interview transcripts have already been provided to the other individuals for whom enforcement conferences concerning this matter have been scheduled.

I am also requesting a copy of the OI investigation report. Your January 11, 1995 letter states that the apparent actions attributable to Mr. Vondra involve deliberate misconduct in accordance with 10 C.F.R. § 50.5. The Commission has said that the range of actions that would subject an individual to action by the Commission under 10 C.F.R. § 50.5 "does not differ significantly from the range of actions that might subject the individual to criminal prosecution." 56 Fed. Reg. 40664, 40675 (August 15, 1991). Your letter also states that in accordance with the NRC's "General Statement of Policy and Procedure for NRC Actions" the apparent violations were being considered for escalated enforcement action. For an individual this could involve issuance of an order which could significantly affect his life and livelihood, including his ability to work in the nuclear industry in the future.

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The charges alluded to in your letter are premised on the findings in OI's investigation, report which to date has not been provided to Mr. Vondra. The three paragraph synopsis provided with your letter is totally inadequate to inform Mr. Vondra of the specific charges against him and the basis for those charges. In particular, it is not possible to determine how the "deliberateness" requirement necessary for a violation of 10 C.F.R. § 50.5 has been fulfilled by Mr. Vondra's conduct. The prejudice caused by withholding the OI report cannot be remedied by its later release. For example, your letter states that the enforcement conference will be transcribed and that he will have "the opportunity to point out any errors in [the NRC's] understanding of the apparent violations." Such an opportunity is illusory without providing Mr. Vondra the OI report now. Moreover, should an order or other enforcement action be issued against Mr. Vondra based on the results of this conference, its effects could not be redressed even if successfully challenged. The mere issuance is sufficient to adversely and irrevocably damage the individual's reputation. For these reasons, the release of the OI report to Mr. Vondra is hereby requested.

Considering the imminence of the enforcement conference, I would appreciate a prompt response from your office with regard to this request.

Sincerely,



Mark J. Wetterhahn

MJW/abc

cc: Mr. James Lieberman, Director, NRC Office of Enforcement

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DATE: January 27, 1995

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