



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 9, 1999

Mr. Robert Norway
113 Dewey Road
Mexico, NY 13114

Dear Mr. Norway:

I have received your Petition requesting action under 10 CFR 2.206 that you sent to Dr. William Travers, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC), on April 5, 1999. In your Petition, you requested that the NRC (1) take enforcement action against Niagara Mohawk Power Corporation (NMPC) and its senior nuclear and corporate management and, as a minimum, against three named individuals for submitting an altered 1994 employee record to the NRC at an enforcement conference on May 10, 1996; (2) take enforcement action against these same parties for presenting at this enforcement conference a false written record of the Administrative Law Judge's (ALJ's) determination in the Department of Labor proceeding in Case No. 95-ERA-005; (3) take enforcement action against these same parties for the placement of confidential employee information into the public record in violation of 10 CFR 2.790; and (4) take enforcement action against these same parties for an additional act of discrimination, pursuant to 10 CFR 50.7, for destroying your credibility and reputation in the nuclear industry. You also requested that the NRC forward these issues to the Department of Justice for consideration of criminal prosecution.

In addition to these requests for enforcement actions, you also requested that various other actions be implemented. These actions include the following: (1) that the agency perform an independent review of all NMPC's docketed files associated with the individuals who committed the alleged fraud; (2) that the NRC forward your complaint to the Office of the Inspector General for investigation of possible deliberate misconduct on the part of the NRC staff; (3) that an Independent Oversight Group be established to provide oversight of the NMPC Human Resources Department and Employee Concerns Program; (4) that a public meeting be held to obtain public comments pertaining to a number of issues, including discrimination and the placement of fraudulent documentation into public records; and (5) that the NRC publicly post NMPC's Nine Mile Point Nuclear Station, Unit No. 2 Residual Heat Removal (RHR) Alternate Shutdown Cooling Safety Evaluation 96-091 to make it available for public comment or require NMPC to re-perform this safety evaluation.

As a basis for all of your requests, you alleged that NMPC deliberately created a false employee record and fraudulently submitted this record, as well as a false written record of an ALJ decision, into the public record, under false pretenses and perjury, during a 1996 enforcement conference with the NRC. Regarding the alleged false written record of an ALJ decision, Mr. James Lieberman's correspondence to you dated May 3, 1999, stated that the NRC staff had reviewed the transcript of the enforcement conference and determined that the NRC staff understood that the document represented the position of NMPC management and not that of the ALJ. Therefore, the submittal of such a document cannot be the basis for taking

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R. Norway

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enforcement action against NMPC. As provided by 10 CFR 2.206, the staff is reviewing your request for enforcement action and other actions with regard to the submission of the allegedly fraudulent employment record, and we will inform you, within a reasonable time, of the action to be taken on your requests.

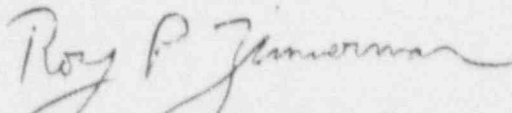
In addition, you have also submitted a technical concern regarding your continued efforts to address RHR alternate shutdown cooling safety. The NRC staff will address this issue and correspond with you separately regarding your technical concern.

As to your request to forward your complaint to the NRC Inspector General, we did so on May 17, 1999.

The Petition has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. With regard to any new information that you believe should be considered by my staff in evaluating the issues in your Petition, please provide such information to Mr. Darl Hood, PDI-1, Mailstop O-8 C2, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed a pamphlet on the public petition process.

Sincerely,



Roy P. Zimmerman, Acting Director
Office of Nuclear Reactor Regulation

Enclosures: 1. Federal Register Notice
2. Petition Process Pamphlet

cc: Licensee (w/copy of incoming 2.206 request) and Service List

June 9, 1999

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I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication. I have also enclosed a pamphlet on the public petition process.

Sincerely,

ORIGINAL SIGNED BY R.P. ZIMMERMAN

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosures: 1. Federal Register Notice
2. Petition Process Pamphlet

cc: Licensee (w/copy of incoming 2.206 request) and Service List

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Nine Mile Point Nuclear Station
Unit Nos. 1 and 2

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June 9, 1999

DOCKET FILE
PD 1-1 RIF
S. LITTLE
S. BAIWA
D. HOOD

MEMORANDUM TO: Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: Receipt of Petition for Director's Decision Under 10 CFR 2.206

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- ☐ Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- ☐ Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- ☐ Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- ☐ Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- ☐ Notice of Availability of NRC Draft/Final Environmental Statement.
- ☐ Notice of Limited Work Authorization.
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- ☐ Environmental Assessment.
- ☐ Notice of Preparation of Environmental Assessment.
- ☒ Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- ☐ Issuance of Final Director's Decision Under 10 CFR 2.206.
- ☐ Other: _____

DOCKET NO. 50-220 and 50-410

Attachment(s): As stated

Contact: Sherri Little

Telephone: 415-2025

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