

U.S. NUCLEAR REGULATORY COMMISSIONDOCKET NOS. 50-220 AND 50-410LICENSE NOS. DPR-63 AND NPF-69NIAGARA MOHAWK POWER CORPORATIONRECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by Petition dated April 5, 1999, Mr. Robert Norway (the Petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Nine Mile Point Nuclear Station, Units 1 and 2. The Petitioner requests 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 the Petitioner's credibility and reputation in the nuclear industry. In addition, the Petitioner requested that the NRC forward these issues to the Department of Justice for consideration of criminal prosecution.

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Finally, in addition to these requests for enforcement actions, the Petitioner 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 a 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 Unit 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.

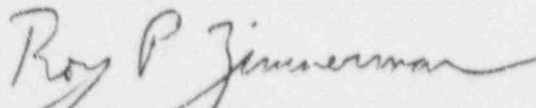
As a basis for all of the Petitioner's requests, he alleged that NMPC deliberately created a false employee record and fraudulently submitted this record, as well as a false written record of an ALJ decision, into the public record, under false pretenses and perjury, during a 1996 enforcement conference with the NRC. Regarding the alleged false written record of an ALJ decision, correspondence from Mr. James Lieberman, Director of the Office of Enforcement, to the Petitioner, dated May 3, 1999, stated that the NRC staff had reviewed the transcript of the enforcement conference and had 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 enforcement action against NMPC. In addition, the Petitioner also submitted a technical concern about his continued efforts to address RHR alternate shutdown cooling safety.

The remaining issues in the Petition are being treated pursuant to 10 CFR 2.206 of the Commission's regulations and have been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

By letter dated June 9, 1999, the Director acknowledged receipt of the Petition. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D.C. 20555-0001.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Dated at Rockville, Maryland,
this 9th day of June 1999