

June 7, 2000

Mr. William E. Davis  
Chairman of the Board and  
Chief Executive Officer  
Niagara Mohawk Power Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202-4250

SUBJECT: PUBLIC DISCLOSURE DETERMINATION REGARDING NIAGARA MOHAWK  
POWER CORPORATION (NMPC) LETTER, DATED MAY 4, 2000,  
RESPONDING TO NRC LETTER, DATED MARCH 21, 2000.

Dear Mr. Davis:

This is in response to your letter of May 4, 2000 ("NMPC Response"). NMPC's Response addressed an NRC request to evaluate information received by the NRC staff concerning the Quality First Program and the Human Resources Development Department at Nine Mile Point.

Among other things, in NMPC's Response, it is stated that the submitted information should be considered exempt from mandatory public disclosure pursuant to 10 CFR 2.790. In your affidavit attached to your letter, you request that the NMPC Response be withheld from public disclosure under the provisions of 10 CFR 2.790 for the following reasons:

1. There is a rational basis for holding information in confidence. Confidential treatment of such information encourages frank and open internal investigations.
2. Disclosure of the NMPC Response would result in the details of the internal investigation being revealed. Such disclosure would adversely affect the future effectiveness of NMPC's ability to investigate similar issues involving its employees.
3. The NMPC Response also involves personal privacy issues, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

We have reviewed your request and your redacted and non-redacted copies of the May 4, 2000 letter, in accordance with the requirements of 10 CFR 2.790. On the basis of your statements, and after consultation with our Regional Counsel on this matter, we have determined that the submitted information sought to be withheld contains personnel information, the disclosure of which would be a clearly unwarranted invasion of privacy.

Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(6) and Section 103(b) of the Atomic Energy Act of 1954, as amended. The redacted copies may, if otherwise appropriate, be placed in the NRC's public document room. Moreover, if subject to a FOIA request, the redacted copies will be released.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants. We will, of course, ensure that the consultants have signed the appropriate agreements for handling such information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure. If you have any questions regarding the disclosure of the information, please contact J. Bradley Fewell, Regional Counsel, at (610) 337-5301.

Sincerely,

/RA/

Richard V. Crlenjak, Acting Director  
Division of Reactor Projects

Docket Nos. 05000220  
05000410

License Nos. DPR-63  
NPF-69

cc:

J. Mueller, Chief Nuclear Officer

G. Wilson, Esquire

M. Wetterhahn, Winston and Strawn

J. Rettberg, New York State Electric and Gas Corporation

P. Eddy, Electric Division, Department of Public Service, State of New York

C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law

J. Vinqvist, MATS, Inc.

F. Valentino, President, New York State Energy Research  
and Development Authority

J. Spath, Program Director, New York State Energy Research  
and Development Authority

T. Judson, Central NY Citizens Awareness Network

William E. Davis

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