



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

August 10, 2000

Mr. Robert Norway
[Home Address Deleted]
Under 10 CFR 2.790(a)]

Dear Mr. Norway:

In separate letters dated June 21, 2000, to you and the Niagara Mohawk Power Corporation (NMPC), I requested additional information on a potential document falsification issue raised in your letter of May 10, 2000, to William D. Travers, Executive Director for Operations. I have received your response dated July 3, 2000 and NMPC's response dated June 30, 2000.

After reviewing the responses, the NRC concludes that, based on the information provided, pursuing this issue further is not justified. In particular, you acknowledge that you can not recall what, if any, differences there are between the Employee Feedback Form provided by NMPC and the one you originally submitted. In referencing your draft Feedback Form, you specifically stated "I believed that since my list ended up to be longer that [sic] the form's space would allow, I may have deleted some of them, added other information, made the font smaller and removed the bullets on the final document." Further, when the form which you alleged is "fake" was earlier submitted as part of the Department of Labor (DOL) review of this matter, neither you nor your attorney objected to its inclusion in the record of that proceeding.

Additionally, based on the above conclusion, as well as a review of the rest of your May 10, 2000, letter and the Director's Decision issued by the NRC to you on November 28, 1999, the NRC staff has concluded that your May 10, 2000, letter does not, in whole or in part, meet the criteria for consideration under 10 CFR 2.206.

We also received a second letter dated July 3, 2000, in which you provided reprints of two additional letters that you stated were not used at the DOL hearing. The first is a letter to the Human Resource Department (HRD) dated February 19, 1994, and the second is addressed to Mr. Ralph Sylvia, dated February 26, 1994. You stated in your July 3, 2000, letter that the downsizing document (employee evaluation form) had been altered subsequent to Mr. Sylvia's response to your February 26, 1994 letter to him, and that NMPC was well informed that you were not on the 40 percent list. You also state that Mr. Sylvia or the Human Resources Department never disputed your claim that you were never on the 40 percent list. Based on that, you allege that their claim at the DOL hearing and at the May 10, 1996, enforcement conference that you were on the 40 percent downsizing list was based solely upon the falsified downsizing document and that NMPC management intentionally submitted falsified documents to the DOL and to the NRC.

We have reviewed Mr. Sylvia's response to you dated March 15, 1994. In that letter, Mr. Sylvia noted that the Director, HRD-Nuclear assisted in reviewing your concerns. He agreed that, initially, you were not on the list of employees to be assessed by the Review Board process. Mr. Sylvia further states that later, you were included in the group to be reviewed due to a

IE14

Distribution

Docket File (50-220 and 50-410)
 PUBLIC (Home Address Withheld)
 EDO Ticket #G2000245
 OE Chron File
 WTravers, EDO
 CPaperiello, EDO
 FMiraglia, EDO
 PNorry, EDO
 JCraig, EDO
 KCyr, OGC
 HMiller, RI
 RBorchardt, OE
 JLuehman, OE
 NHilton, OE
 JGoldberg, OGC
 SBlack, DLPM/NRR
 HBerkow, PDII/DLPM/NRR
 RSubbaratnam, PDII/DLPM/NRR
 PTam, PDI/DLPM/NRR

OFFICE	ES:OE	DD:OE	PM:PDII/S2	PD:PDII	OGC	AD:DLPM	D:OE
SIGNATURE	<i>[Signature]</i>						
NAME	NHilton	JLuehman	RSubbaratnam	HBerkow	JGoldberg	SBlack	RBorchardt
DATE	08/6/00	08/10/00	08/10/00	08/3/00	08/9/00	08/10/00	08/10/00

no lead

DOCUMENT NAME: G:\Nick\Norway 2206 closure letter.wpd

OFFICIAL RECORD COPY

Mr. John H. Mueller
Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nine Mile Point Nuclear Station
Operations Building, Second Floor
P.O. Box 63
Lycoming, NY 13093

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

Mr. Jim Rettberg
New York State Electric & Gas
Corporation
Corporate Drive
Kirkwood Industrial Park
P.O. Box 5224
Binghamton, NY 13902-5224

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. Richard Goldsmith
Syracuse University
College of Law
E.I. White Hall Campus
Syracuse, NY 12223

Mr. John V. Vinqvist, MATS Inc.
P.O. Box 63
Lycoming, NY 13093

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mr. Paul D. Eddy
Electric Division
NYS Department of Public Service
Agency Building 3
Empire State Plaza
Albany, NY 12223

Mr. Timothy S. Carey
Chair and Executive Director
State Consumer Protection Board
5 Empire State Plaza, Suite 2101
Albany, NY 12223

Mark J. Wetterhahn, Esquire
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502

Gary D. Wilson, Esquire
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, NY 13202

Mr. F. William Valentino, President
New York State Energy, Research,
and Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399