65 FR 47806
8/3/00

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From: Robert Norway <norwayr@worldnet.att.net>
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Date: Mon, Jul 16, 2001 2:26 PM
Subject: Draft Discrimination Task Group Report

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Below is the result of your feedback form. It was submitted by
Robert Norway (norwayr@worldnet.att.net) on Monday, July 16, 2001 at 14:25:03

Comments: Comment on Page 38, Conduct of PEC & information of personal job performance being "generally protected from public record"

I was terminated as a nuclear safety engineer at the Nine Mile Point nuclear facility (1996) Niagara Mohawk Power Corporation. This discrimination case (NRC# 96-116, & DOL# 95-ERA-005) was one of the cases listed under this report. The licensee had been given a Severity Level II Violation for Discrimination by Carl Terry, the VP of Nuclear Engineering.

As a member of their ISEG group, I had been selected for a nuclear safety engineer rotational training program called ISEG Rotation. I had been rotated into the utilitie's downsizing transition group and terminated while under that position.

The NRC had placed this utility's employee evaluation (on me) that showed that I had been terminated due to poor performance into public record. When this employee evaluation was placed into public record:

1. The NRC failed to disclose that the evaluation numbers on this secret employee record was lower than what was reported to me on my real employee evaluation.

2. The NRC failed to disclose that the Administrative Law Judge had found that this alleged employee evaluation was not written by the former Manager of the Independent Safety Engineering Group as claimed by the licensee and "contained different handwriting".

3. The NRC failed to disclose that the Administrative Law Judge had found that this employee evaluation was of "no value" because it was not consistent with the licensee's Letter of Termination and Letter from their chief nuclear officer (other evidence).

The NRC put the employee evaluation into public disclosure because it is common for them to do so and what the NRC normally would do. Or so it was explained to me. Basically, the ALJ found that this employee evaluation was a fake. The utility did not Appeal these ALJ findings. Apparently, these findings were not even discussed or disputed at the PEC because they do not appear in the PEC records. The placement of this employee evaluation into public disclosure is not consistent with your draft findings on this issue. You placed the fake employee evaluation into public record but forgot to identify that the ALJ found that they were fake.

In a related matter, since the NRC and utility had been notified by the ALJ pertaining to his findings to the " lack of credibility" of this employee evaluation (and that there is no discussion about his findings in the PEC records) and that the final response is made under a notarized oath of truth, the NRC has allowed this utility to commit perjury in their associated final NOV response. I didn't know that regulatory discression expanded into perjury.

Your conclusion on this issue is wrong. The NRC does place personal employee evaluations into public record if the utility wants them to do so. My case proves this is a fact. The NRC also allows a utility to submit a fake employee evaluation under oath that it is true to the best of their information, knowledge and belief even after receiving the ALJ findings that the evaluation is a fake.

In my quest to get the ALJ findings, and the fact that the evaluation numbers are in error, added to the

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add - B. Westreich (BCW)

fake employee evaluation in public record, I have been refused. I'm told that since it is the utility's opinion that these records are real, they are allowed to place them into public record without identifying the ALJ findings with them or that the evaluation numbers are in error.

So the utilities opinion is apparently more important than my rights, by circulating a secret employee evaluation that evaluates my job performance lower than what the utility had reported to me in my signed employee evaluation. And the utilities opinion on that document is apparently more important than the findings made by the ALJ as to the credibility of that document.

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