

September 7, 2005

Mr. Michael Mulligan
5 Wood Lawn Lane
Hinsdale, NH 03451

Dear Mr. Mulligan:

Your e-mail dated July 24, 2005, addressed to Chairman Diaz has been referred to the Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206. You requested that the Pilgrim Nuclear Power Station (PNPS) be shut down, "until the safety of the management and union culture can be assured." You state that, "the recent event involving inattentive operators was caused by intensified management power attributable to an increase in nuclear corporate mergers, which necessitate new independent employee protective structures, and that the NRC incorrectly focused on the involved employees rather than underlying management-union tensions."

On an August 1, 2005, telephone call, the assigned Petition Manager, Mr. James J. Shea, and the Petition Review Coordinator, Ms. Donna Skay, discussed your petition with you and asked if you could offer additional information or substantiation of your contentions. At that time, you were also invited to discuss your issues with our Petition Review Board (PRB). You declined the NRC staff's invitation to meet with, or discuss your petition with, our PRB, and ended the conversation while the NRC staff members were explaining other potential NRC processes that you could pursue, including the allegation process.

The PRB subsequently determined that your request does not fit the criteria for consideration pursuant to 10 CFR 2.206. Specifically, you did not provide sufficient supportive factual information for taking the requested action. To the extent your stated concern raises any issue involving a violation of NRC requirements or a nuclear safety issue, those issues have already been reviewed, evaluated and resolved. The NRC investigated the inattentive operator incident at PNPS and issued a Severity Level III Notice of Violation and Proposed Imposition of Civil Penalty to PNPS through the traditional enforcement process (Agencywide Documents Access and Management System, Accession No. ML051960068).

The issues or challenges you raise concerning the adequacy of NRC regulations, specifically associated with 10 CFR 50.7, "Employee Protection," (which prohibits discrimination by a licensee against an employee for engaging in protected activities) also do not fit the criteria for consideration pursuant to 10 CFR 2.206.

M. Mulligan

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In addition, your concerns that the NRC incorrectly focused on the involved employees rather than underlying management-union tensions at PNPS, as well as the length and accuracy of the NRC Office of Investigations (OI), Region I, investigation has been forwarded to the NRC Office of the Inspector General.

Finally, your request for an “independent investigation outside the NRC or OI of the events leading up to both sleeping incidents at Pilgrim,” is outside the 10 CFR Section 2.206 process.

For additional information concerning our regulatory processes please access our Public Web Site (www.nrc.gov).

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Docket No. 50-293

cc: See next page

M. Mulligan

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Pilgrim Nuclear Power Station

cc:

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Pilgrim Nuclear Power Station

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