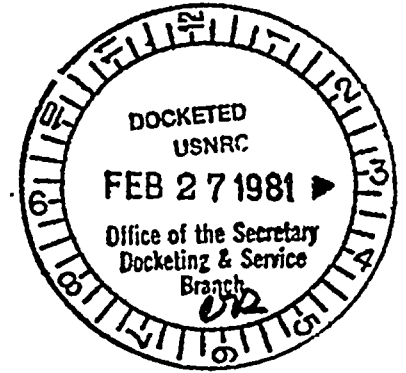
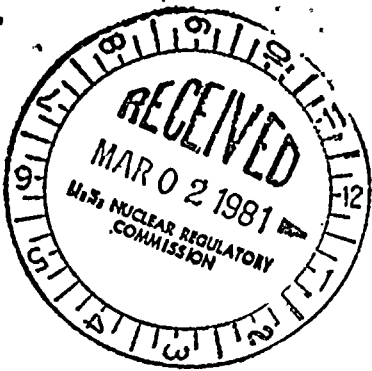


February 26, 1981



United States of America
Nuclear Regulatory Commission

In the matter of)
Niagara Mohawk Power Corporation) Docket No. 50-220
(Nine Mile Point Nuclear Station))

Petition of Thomas J. Perkins
for Leave to Intervene

On November 26, 1980, an Order was entered in this docket against Niagara Mohawk Power Corporation ("NMPC") which provides in part that "effective immediately, License DPR-63 is amended by adding thereto the following conditions:... 'Mr. T.J. Perkins, shall not be involved with nuclear matters for Niagara Mohawk Power Corporation;....'" By Paragraph VIII of the November 26 Order, NMPC or any other interested person could file a request for hearing by January 5, 1981. Pursuant to this Paragraph, NMPC by Answer and Protest dated January 3, 1981, requested a hearing in this proceeding.

Pursuant to 10 CFR 2.714, Mr. Thomas J. Perkins hereby petitions to intervene as a party in this proceeding. Petitioner joins in the NMPC request for, and also requests on his own behalf, a hearing in this proceeding. To the extent this Petition and hearing request may be deemed to be a late filing, Petitioner submits that all the requirements for late filing are here satisfied. In support of this petition and

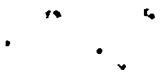
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request for hearing, Petitioner respectfully states as follows:

1. Intervention is justified based upon the factors set forth in 10 CFR 2.714(d). Petitioner has a right to intervene pursuant to Section 189(a) of the Atomic Energy Act, 42 U.S.C. 2239(a) which requires the Commission to admit as a party "any person whose interest may be affected by the proceeding." Petitioner is such a person. He has an interest which not only may be affected, but has been and continues to be affected, by the November 26 Order. Petitioner at the time of the Order was General Superintendent at NMPC's Nine Mile Point Nuclear Station. Prior to that time, he had worked for 17 years in the nuclear power program of NMPC. The immediately effective November 26 Order bans the Petitioner by name without apparent time limitation from continuing his employment by NPMC in nuclear matters. Thus, the nature and extent of Petitioner's interest in this proceeding is his interest in continued employment in his chosen profession with NMPC. The actual affect of the Order already entered in this proceeding is to terminate Petitioner's continuing ability to be so employed, and any future Order in this proceeding could affect Petitioner's employment in his chosen field.

2. Petitioner intends to litigate in this matter his contention that, in fact and law, the ban on his employment as included in the November 26 Order was and continues to be improper. Bases for this contention include the denial of

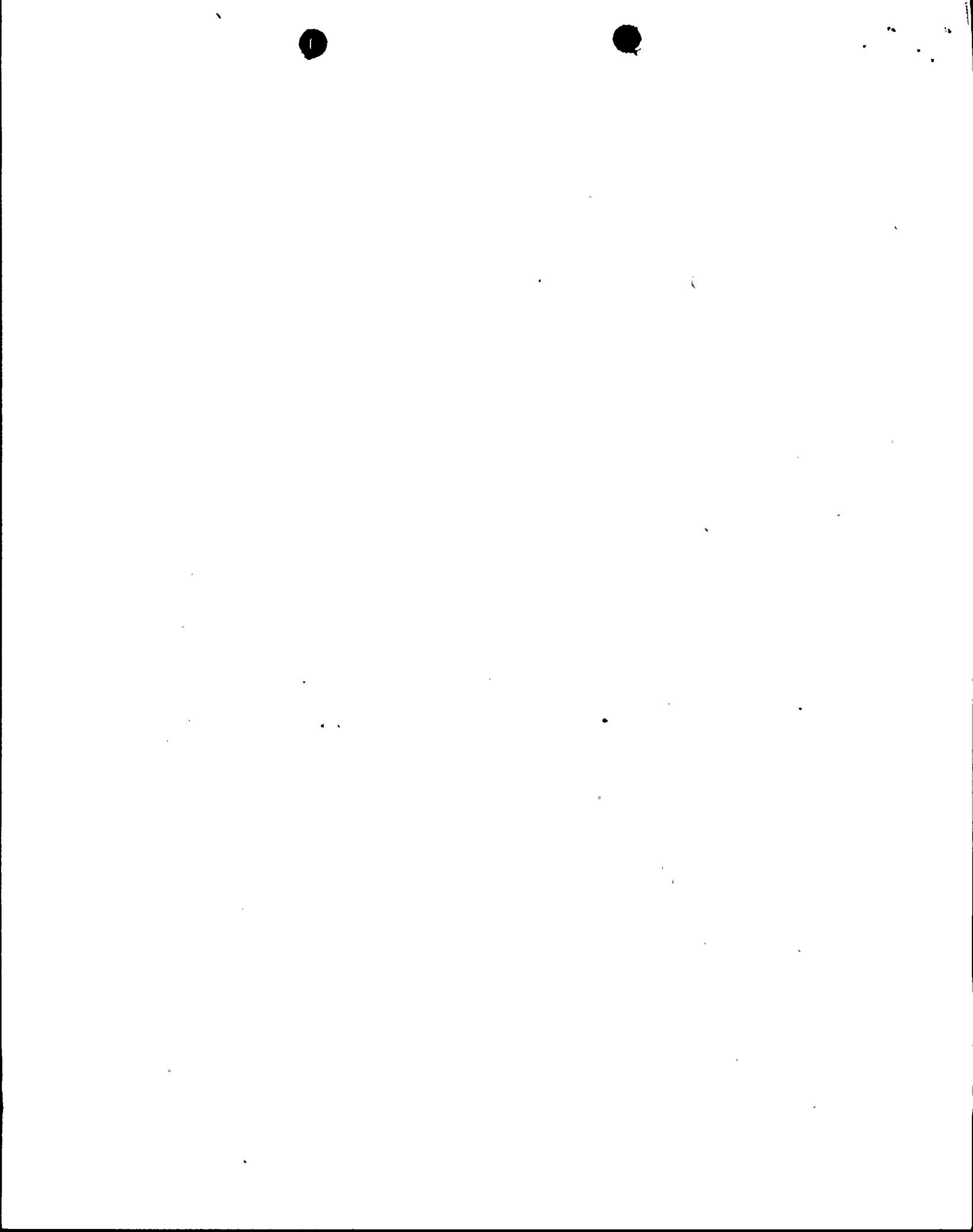


Petitioner's Constitutional right to due process because the Order was made immediately effective without prior notice and opportunity to be heard; the public health, safety or interest in no way required an immediately effective order; and on the merits no action of Petitioner--whether judged in isolation or in light of his career or in light of other enforcement actions of the NRC--in any way justified the severe sanction on Petitioner's employment effected by the November 26 Order.

3. To the extent this Petition and request for hearing may be deemed untimely, Petitioner contends the requirements of 10 CFR 2.714(a) are satisfied as follows:

(i) Good cause exists for late filing. The undersigned has been retained as counsel for Petitioner only this past week, and this filing is being made expeditiously thereafter. Need for separate counsel for Petitioner has arisen from the joint perception of Petitioner and NMPC that it is more appropriate for NMPC and Petitioner independently and with separate counsel to review and respond to the actions of the NRC. Until that point, Petitioner understood that NMPC was representing the joint interests of NMPC and Petitioner and a separate appearance for Petitioner was unnecessary.

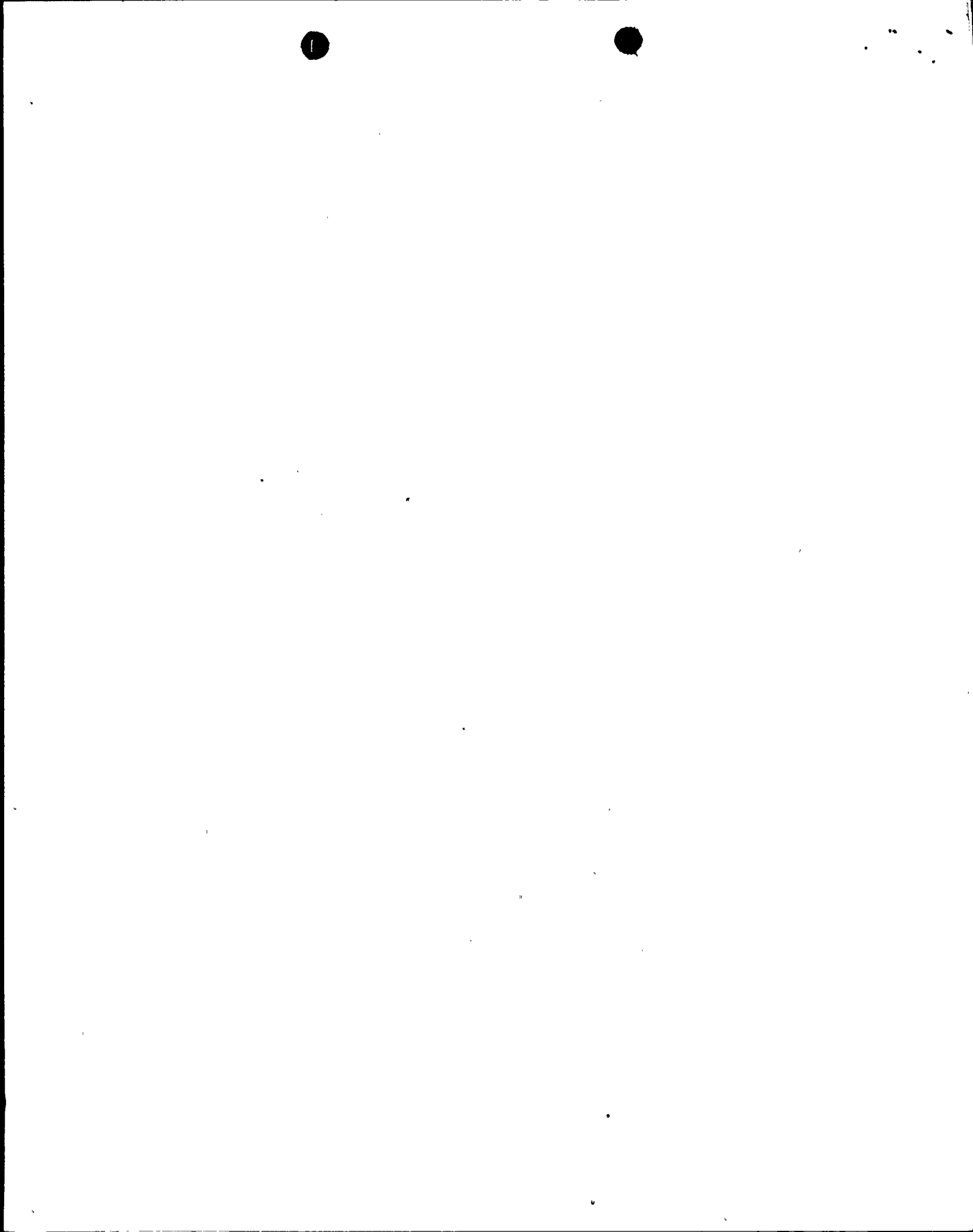
(ii) There is no other means whereby Petitioner's interest will be protected. This proceeding is the only means available to Petitioner for contesting within the NRC the propriety of the immediately effective November 26 Order.



(iii) Not only will Petitioner's participation assist in developing a record, but his participation is essential in this respect. As the November 26 Order reflects, the alleged actions of Petitioner are a central element in the findings and penalty fashioned in that Order.

(iv) Only Petitioner can be assured of fully representing his personal interests put directly at issue in this proceeding. As indicated, Petitioner's interests in this proceeding are closely related to, but nonetheless independent of, NMPC's. Thus, Petitioner has a direct and personal interest in defending his integrity, which has been wrongfully drawn into question in this proceeding, and in lifting the limitation on his employment rights. Only he can be assured of adequately protecting these personal rights.

(v) Petitioner's participation will not broaden the issues. Petitioner intends to contest the propriety of the November 26 Order as that Order modifies NMPC's license to ban Petitioner's involvement in nuclear work. NMPC in its Answer and Protest already has put this element of the Order in issue. Further, this proceeding will not be delayed by Petitioner's participation as the proceeding remains in its early stages. Indeed, the NRC has yet to set a hearing date.



WHEREFORE, for the above reasons Petitioner respectfully requests that this Petition, together with the request for hearing, be granted..

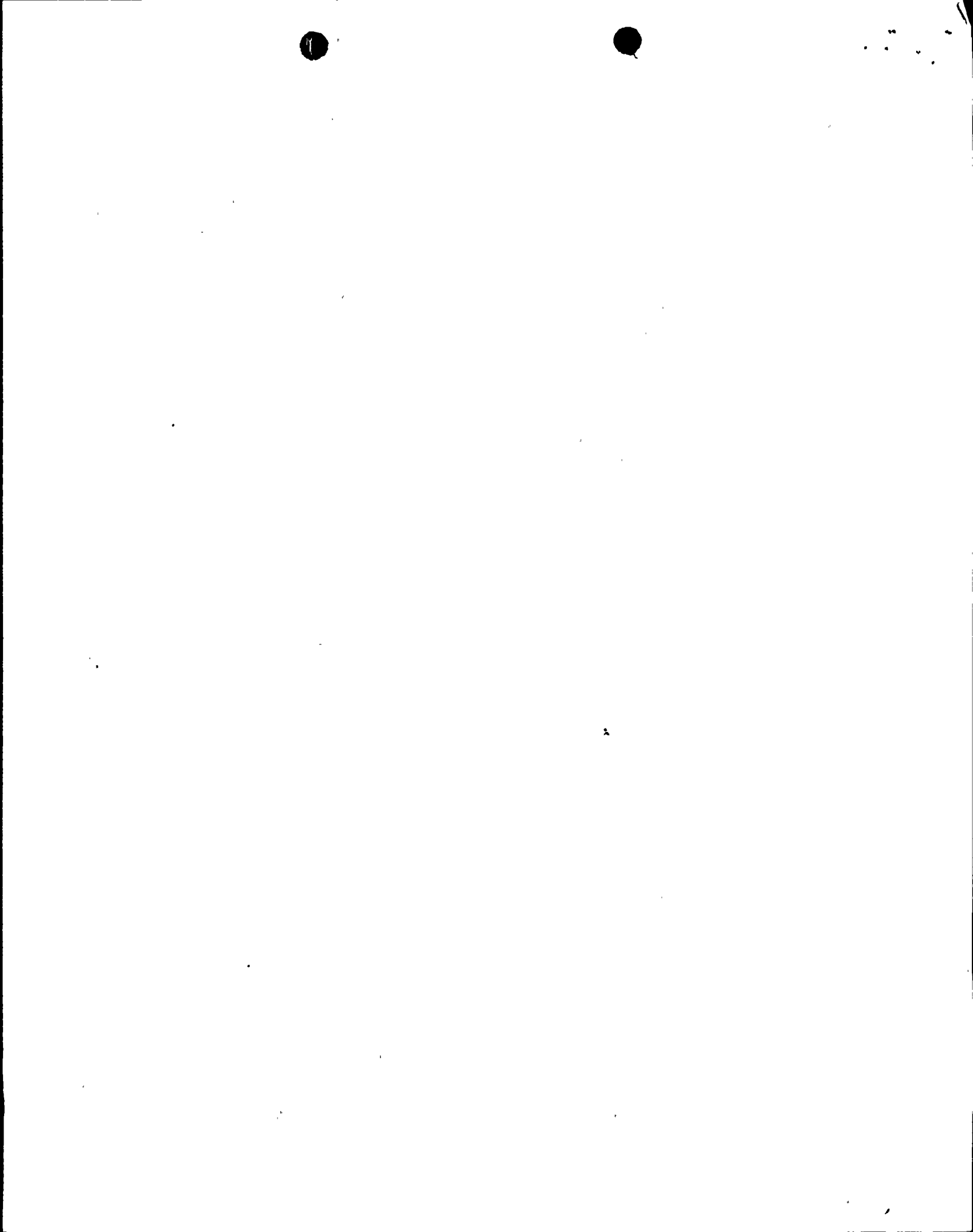
Respectfully submitted,

Gerald Charnoff

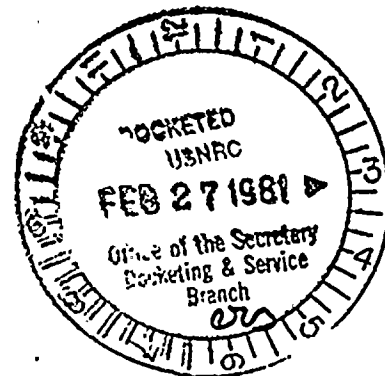
Gerald Charnoff, Esq.
Dean D. Aulick, Esq.
SHAW, PITTMAN, POTTS & TROWBRIDGE

Counsel for Thomas J. Perkins

Dated: February 26, 1981.



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
NIAGARA MOHAWK POWER CORPORATION)
(Nine Mile Point Nuclear Station))

Docket No. 50-220

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned will appear in this matter for Thomas J. Perkins.

Name: Dean D. Aulick

Address: Shaw, Pittman, Potts & Trowbridge
Suite 900, South Lobby
1800 M Street, N. W.
Washington, D. C. 20036

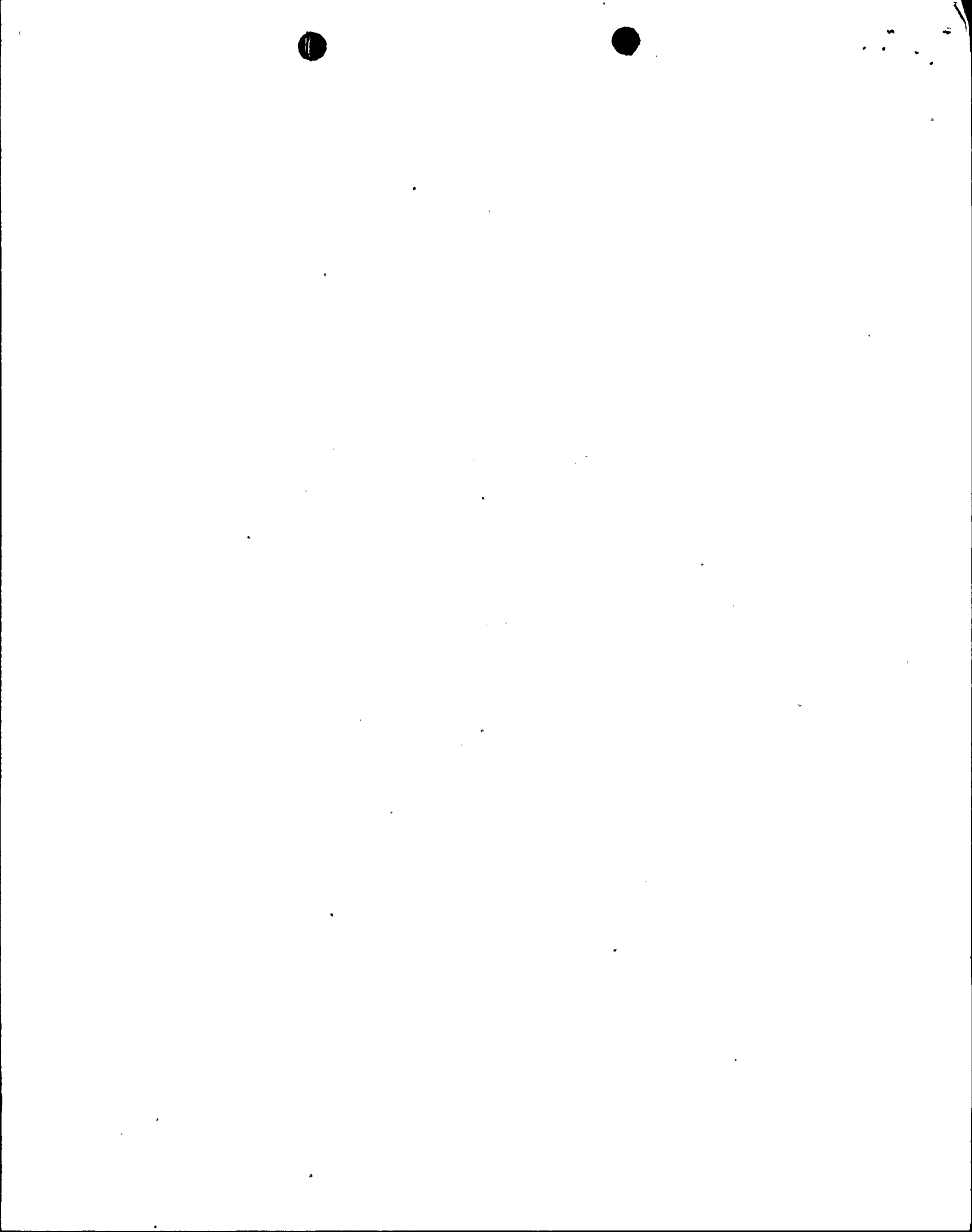
Telephone: (202) 822-1000

Admission: District of Columbia Court of Appeals

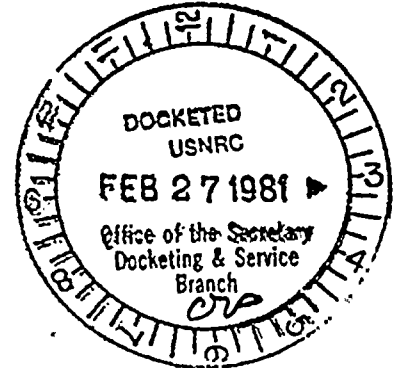
A handwritten signature in cursive script, appearing to read "Dean D. Aulick".

Dean D. Aulick

DATED: February 26, 1981



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
NIAGARA MOHAWK POWER CORPORATION)
(Nine Mile Point Nuclear Station))

Docket No. 50-220

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned will appear
in this matter for Thomas J. Perkins.

Name: Gerald Charnoff

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Admissions: Courts of the District of Columbia
Court of Appeals for the State of New York
United States Supreme Court

Party: Thomas J. Perkins

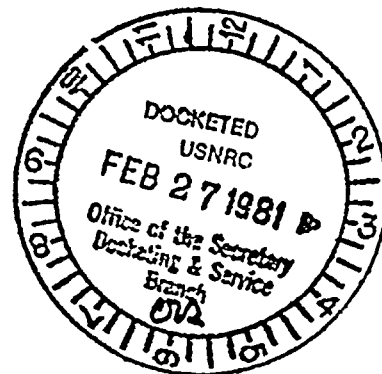

Gerald Charnoff *by [signature]*

DATED: February 26, 1981



11-11-54

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
)
NIAGARA MOHAWK POWER CORPORATION) Docket No. 50-220
(Nine Mile Point Nuclear Station)

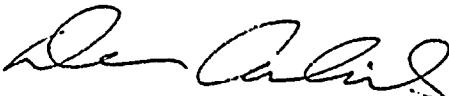
CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the attached Petition of Thomas J. Perkins For Leave To Intervene by first class U.S. mail, postage prepaid, or by hand-delivery, to the following:

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
ATTN: Chief, Docketing & Service Station

James P. Murray, Esquire
Director & Chief Counsel
Rulemaking & Enforcement Division
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Eugene B. Thomas, Jr., Esquire
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036



Dean D. Aulick, Esquire
Counsel for Thomas J. Perkins

Dated: February 26, 1981

