



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415  
September 7, 1995

EA No. 95-147

Mr. B. Ralph Sylvia  
Executive Vice President - Nuclear  
Niagara Mohawk Power Corporation  
Nine Mile Point Nuclear Station  
P.O. Box 63  
Lycoming, New York 13093

SUBJECT: ALLEGED DISCRIMINATION

Dear Mr. Sylvia:

It recently has been brought to our attention that a former employee of Niagara Mohawk Power Corporation (NMPC) has filed a complaint in the Supreme Court of the State of New York, alleging that NMPC failed to comply with a number of pre-arranged employment provisions between it and the former employee. In the complaint, the former employee alleges that certain unfavorable actions were taken by NMPC in October 1992, with respect to his terms of employment. Specifically, the individual alleges that he was denied a position that he had been hired for, on the basis of his having identified and pursued an issue involving NMPC compliance with NRC requirements. It appears that the action of identifying and pursuing this NRC compliance issue would constitute a protected activity under the provisions of Section 210 (now Section 211) of the Energy Reorganization Act of 1974, as amended.

Issues involving adverse licensee actions taken against employees for having been involved in a protected activity are of concern to the NRC because of the necessity that employees feel free to identify problems at licensee facilities and are not intimidated with regard to coming forward with concerns without fear of retaliation.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether enforcement action should be taken to ensure compliance with NRC regulatory requirements, you are required to provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that:

1. Provides the basis for the employment action regarding the former employee and includes a copy of any investigation reports you have regarding the circumstances of the action; and
2. Describes the actions, if any, taken or planned to assure that this employment action does not have a chilling effect in discouraging other licensee or contractor employees from raising perceived safety concerns.

Your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room. If personal privacy

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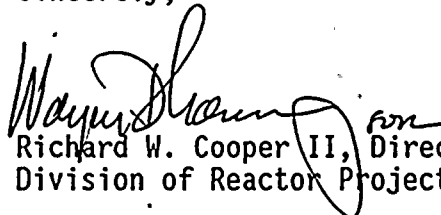
information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

After reviewing your response, the NRC will determine whether enforcement action is necessary at this time to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

  
Richard W. Cooper II, Director  
Division of Reactor Projects

Docket Nos.       50-220  
                      50-410  
License Nos.       DPR-63  
                      NPS-69

B. Ralph Sylvia

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cc:

R. Abbott, Vice President-Nuclear Generation  
C. Terry, Vice President-Nuclear Engineering  
M. McCormick, Vice President - Safety Assessment and Support  
N. Rademacher, Unit 1 Plant Manager  
J. Conway, Unit 2 Plant Manager (acting)  
D. Wolniak, Manager, Licensing  
J. Warden, New York Consumer Protection Branch  
G. Wilson, Senior Attorney  
M. Wetterhahn, Winston and Strawn  
Director, Energy & Water Division, Department of Public Service, State of  
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C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
J. Vinqvist, MATS, Inc.  
F. William Valentino, President, New York State Energy Research  
and Development Authority

B. Ralph Sylvia

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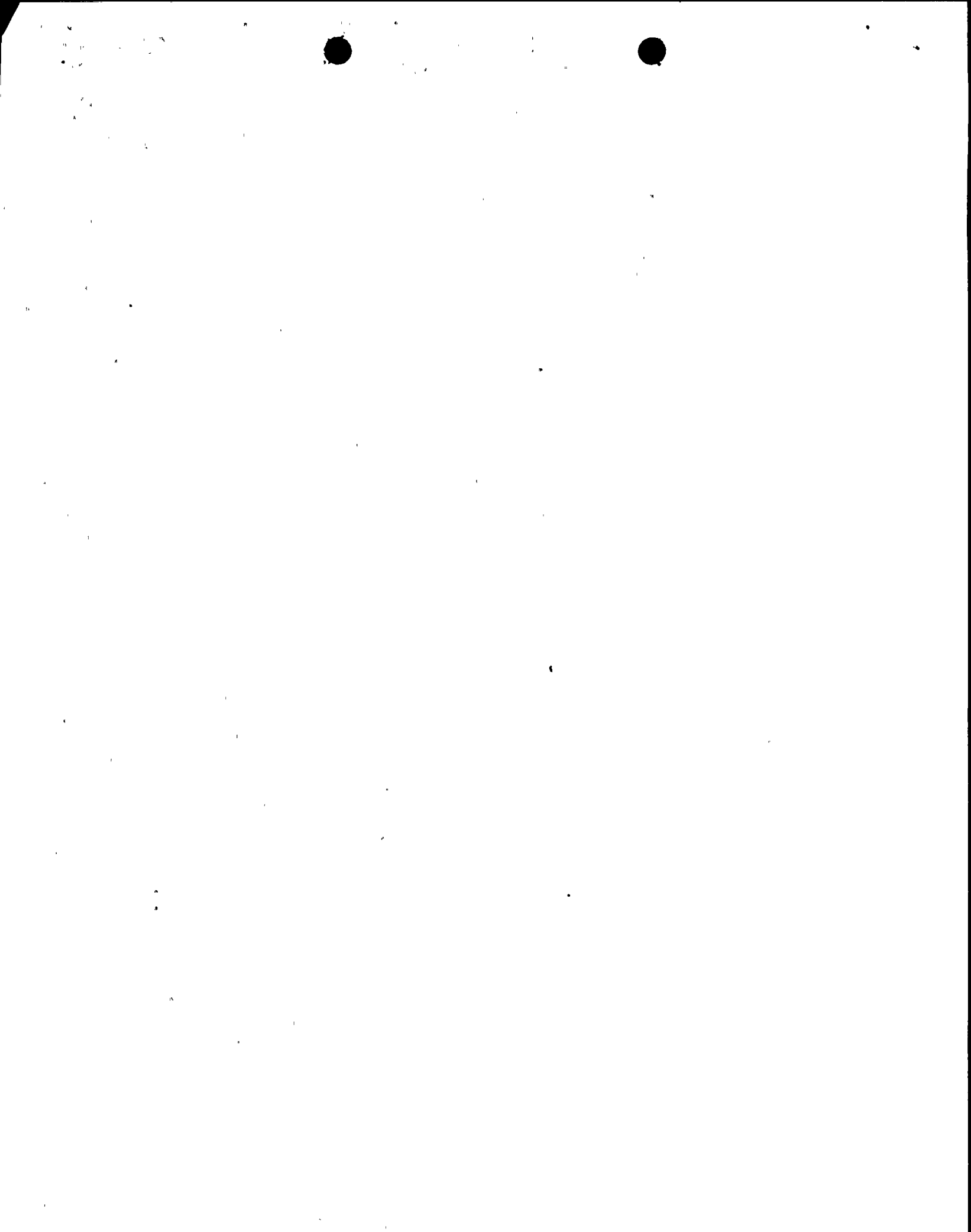
D. Vito, RI

Region I Docket Room (with concurrences)

Nuclear Safety Information Center (NSIC)

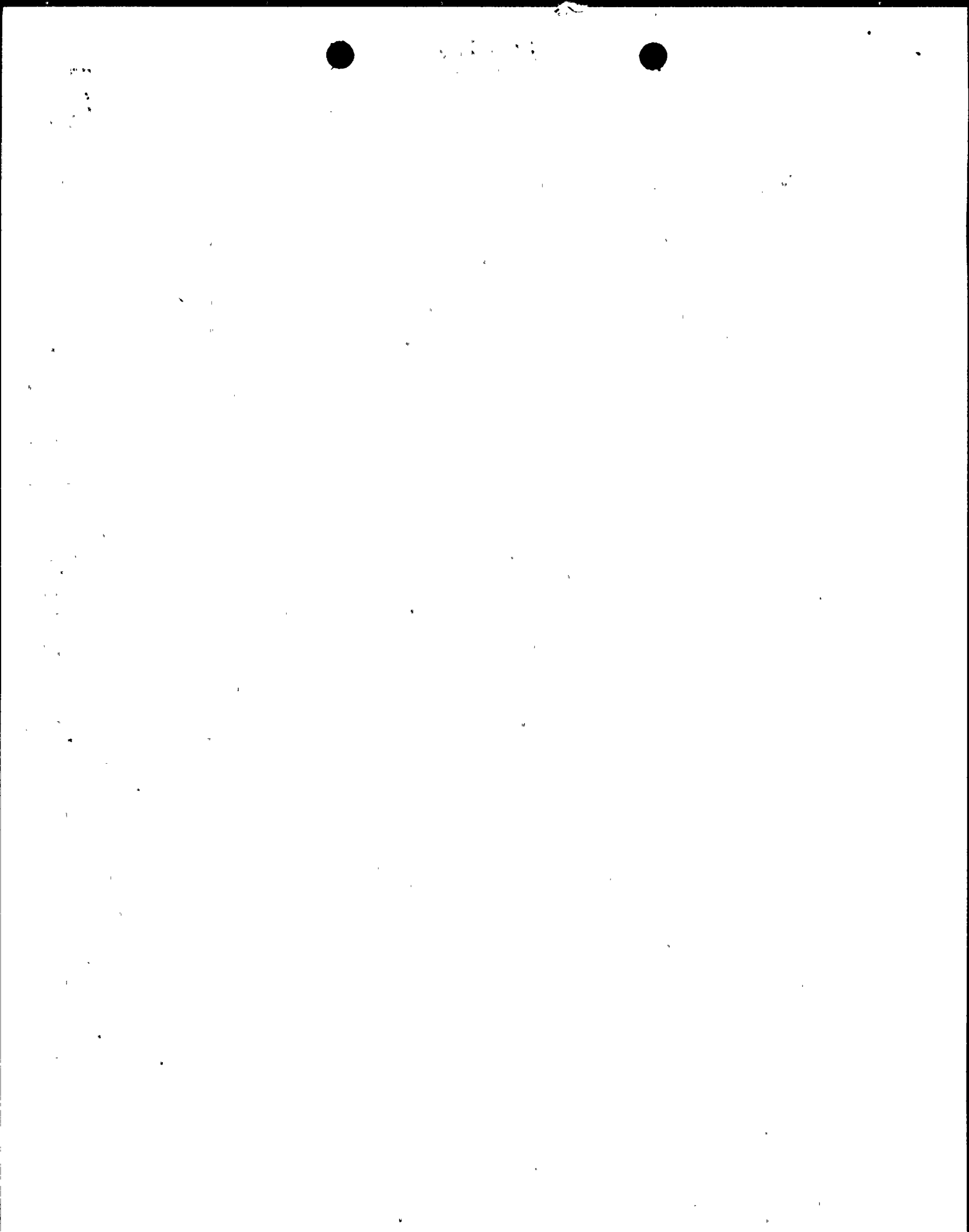
PUBLIC

ACCESSION NBR:	DOC. DATE:	NOTARIZED:	DOCKET #
9401100040	94/01/06	NO	04003392
FACIL: 40-3392 Allied-Signal, Inc., Metropolis, IL,			
50-313	Arkansas Nuclear One, Unit 1, Arkansas Power & Light		05000313
50-368	Arkansas Nuclear One, Unit 2, Arkansas Power & Light		05000368
50-334	Beaver Valley Power Station, Unit 1, Duquesne Light C		05000334
50-412	Beaver Valley Power Station, Unit 2, Duquesne Light C		05000412
50-155	Big Rock Point Nuclear Plant, Consumers Power Co.		05000155
50-373	LaSalle County Station, Unit 1, Commonwealth Edison C		05000373
50-374	LaSalle County Station, Unit 2, Commonwealth Edison C		05000374
50-237	Dresden Nuclear Power Station, Unit 2, Commonwealth E		05000237
50-249	Dresden Nuclear Power Station, Unit 3, Commonwealth E		05000249
50-254	Quad-Cities Station, Unit 1, Commonwealth Edison Co.		05000254
50-265	Quad-Cities Station, Unit 2, Commonwealth Edison Co.		05000265
STN-50-454	Byron Station, Unit 1, Commonwealth Edison Co.		05000454
STN-50-455	Byron Station, Unit 2, Commonwealth Edison Co.		05000455
STN-50-456	Braidwood Station, Unit 1, Commonwealth Edison Co		05000456
STN-50-457	Braidwood Station, Unit 2, Commonwealth Edison Co		05000457
50-295	Zion Nuclear Power Station, Unit 1, Commonwealth Edis		05000295
50-304	Zion Nuclear Power Station, Unit 2, Commonwealth Edis		05000304
50-259	Browns Ferry Nuclear Power Station, Unit 1, Tennessee		05000259
50-260	Browns Ferry Nuclear Power Station, Unit 2, Tennessee		05000260
50-296	Browns Ferry Nuclear Power Station, Unit 3, Tennessee		05000296
50-324	Brunswick Steam Electric Plant, Unit 2, Carolina Powe		05000324
50-325	Brunswick Steam Electric Plant, Unit 1, Carolina Powe		05000325
STN-50-483	Callaway Plant, Unit 1, Union Electric Co.		05000483
50-317	Calvert Cliffs Nuclear Power Plant, Unit 1, Baltimore		05000317
50-318	Calvert Cliffs Nuclear Power Plant, Unit 2, Baltimore		05000318
50-413	Catawba Nuclear Station, Unit 1, Duke Power Co.		05000413
50-414	Catawba Nuclear Station, Unit 2, Duke Power Co.		05000414
50-461	Clinton Power Station, Unit 1, Illinois Power Co.		05000461
50-445	Comanche Peak Steam Electric Station, Unit 1, Texas U		05000445
50-446	Comanche Peak Steam Electric Station, Unit 2, Texas U		05000446
50-315	Donald C. Cook Nuclear Power Plant, Unit 1, Indiana M		05000315
50-316	Donald C. Cook Nuclear Power Plant, Unit 2, Indiana M		05000316
50-298	Cooper Nuclear Station, Nebraska Public Power Distric		05000298
50-302	Crystal River Nuclear Plant, Unit 3, Florida Power Co		05000302
50-346	Davis-Besse Nuclear Power Station, Unit 1, Toledo Edi		05000346
50-275	Diablo Canyon Nuclear Power Plant, Unit 1, Pacific Ga		05000275
50-323	Diablo Canyon Nuclear Power Plant, Unit 2, Pacific Ga		05000323
50-331	Duane Arnold Energy Center, Iowa Electric Light & Pow		05000331
50-348	Joseph M. Farley Nuclear Plant, Unit 1, Southern Nucl		05000348
50-364	Joseph M. Farley Nuclear Plant, Unit 2, Southern Nucl		05000364
50-341	Enrico Fermi Atomic Power Plant, Unit 2, Detroit Edis		05000341
50-333	James A. FitzPatrick Nuclear Power Plant, Power Autho		05000333
50-285	Fort Calhoun Station, Unit 1, Omaha Public Power Dist		05000285
50-244	Robert Emmet Ginna Nuclear Plant, Unit 1, Rochester G		05000244
50-416	Grand Gulf Nuclear Station, Unit 1, Mississippi Power		05000416
50-213	Haddam Neck Plant, Connecticut Yankee Atomic Power Co		05000213
50-245	Millstone Nuclear Power Station, Unit 1, Northeast Nu		05000245
50-336	Millstone Nuclear Power Station, Unit 2, Northeast Nu		05000336
50-423	Millstone Nuclear Power Station, Unit 3, Northeast Nu		05000423
50-321	Edwin I. Hatch Nuclear Plant, Unit 1, Georgia Power C		05000321
50-366	Edwin I. Hatch Nuclear Plant, Unit 2, Georgia Power C		05000366
50-272	Salem Nuclear Generating Station, Unit 1, Public Servi		05000272
50-311	Salem Nuclear Generating Station, Unit 2, Public Serv		05000311
50-354	Hope Creek Nuclear Station, Unit 1, Public Service El		05000354
50-133	Humboldt Bay Power Plant, Unit 3, Pacific Gas & Elect		05000133
50-247	Indian Point Station, Unit 2, Consolidated Edison Co.		05000247
50-286	Indian Point Station, Unit 3, Power Authority of Stat		05000286
50-305	Kewaunee Nuclear Power Plant, Wisconsin Public Servic		05000305
50-352	Limerick Generating Stat, Unit 1, Philadelphia Ele		05000352



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50-353	Limerick Generating Station, Unit 2, Philadelphia Ele	05000353
50-309	Maine Yankee Atomic Power Plant, Maine Yankee Atomic	05000309
50-263	Monticello Nuclear Generating Plant, Northern States	05000263
50-369	William B. McGuire Nuclear Station, Unit 1, Duke Powe	05000369
50-370	William B. McGuire Nuclear Station, Unit 2, Duke Powe	05000370
50-220	Nine Mile Point Nuclear Station, Unit 1, Niagara Powe	05000220
50-410	Nine Mile Point Nuclear Station, Unit 2, Niagara Moha	05000410
50-338	North Anna Power Station, Unit 1, Virginia Electric &	05000338
50-339	North Anna Power Station, Unit 2, Virginia Electric &	05000339
50-269	Oconee Nuclear Station, Unit 1, Duke Power Co.	05000269
50-270	Oconee Nuclear Station, Unit 2, Duke Power Co.	05000270
50-287	Oconee Nuclear Station, Unit 3, Duke Power Co.	05000287
50-219	Oyster Creek Nuclear Power Plant, Jersey Central Powe	05000219
50-255	Palisades Nuclear Plant, Consumers Power Co.	05000255
STN-50-528	Palo Verde Nuclear Station, Unit 1, Arizona Publi	05000528
STN-50-529	Palo Verde Nuclear Station, Unit 2, Arizona Publi	05000529
STN-50-530	Palo Verde Nuclear Station, Unit 3, Arizona Publi	05000530
50-277	Peach Bottom Atomic Power Station, Unit 2, Philadelph	05000277
50-278	Peach Bottom Atomic Power Station, Unit 3, Philadelph	05000278
50-440	Perry Nuclear Power Plant, Unit 1, Cleveland Electric	05000440
50-293	Pilgrim Nuclear Power Station, Unit 1, Boston Edison	05000293
50-266	Point Beach Nuclear Plant, Unit 1, Wisconsin Electric	05000266
50-301	Point Beach Nuclear Plant, Unit 2, Wisconsin Electric	05000301
50-282	Prairie Island Nuclear Station, Unit 1, Northern Stat	05000282
50-306	Prairie Island Nuclear Station, Unit 2, Northern Stat	05000306
50-312	Rancho Seco Nuclear Generating Station, Sacramento Mu	05000312
50-458	River Bend Station, Unit 1, Gulf States Utilities Co.	05000458
50-261	H.B. Robinson Plant, Unit 2, Carolina Power & Light C	05000261
50-206	San Onofre Nuclear Station, Unit 1, Southern Californ	05000206
50-361	San Onofre Nuclear Station, Unit 2, Southern Californ	05000361
50-362	San Onofre Nuclear Station, Unit 3, Southern Californ	05000362
50-443	Seabrook Nuclear Station, Unit 1, Public Service Co.	05000443
50-444	Seabrook Nuclear Station, Unit 2, Public Service Co.	05000444
50-327	Sequoyah Nuclear Plant, Unit 1, Tennessee Valley Auth	05000327
50-328	Sequoyah Nuclear Plant, Unit 2, Tennessee Valley Auth	05000328
50-400	Shearon Harris Nuclear Power Plant, Unit 1, Carolina	05000400
50-322	Shoreham Nuclear Power Station, Long Island Lighting	05000322
STN-50-498	South Texas Project, Unit 1, Houston Lighting & P	05000498
STN-50-499	South Texas Project, Unit 2, Houston Lighting & P	05000499
50-335	St. Lucie Plant, Unit 1, Florida Power & Light Co.	05000335
50-389	St. Lucie Plant, Unit 2, Florida Power & Light Co.	05000389
50-395	Virgil C. Summer Nuclear Station, Unit 1, South Carol	05000395
50-280	Surry Power Station, Unit 1, Virginia Electric & Powe	05000280
50-281	Surry Power Station, Unit 2, Virginia Electric & Powe	05000281
50-387	Susquehanna Steam Electric Station, Unit 1, Pennsylva	05000387
50-388	Susquehanna Steam Electric Station, Unit 2, Pennsylva	05000388
50-289	Three Mile Island Nuclear Station, Unit 1, General Pu	05000289
50-250	Turkey Point Plant, Unit 3, Florida Power and Light C	05000250
50-251	Turkey Point Plant, Unit 4, Florida Power and Light C	05000251
50-424	Alvin W. Vogtle Nuclear Plant, Unit 1, Georgia Power	05000424
50-425	Alvin W. Vogtle Nuclear Plant, Unit 2, Georgia Power	05000425
50-382	Waterford Generating Station, Unit 3, Louisiana Power	05000382
50-390	Watts Bar Nuclear Plant, Unit 1, Tennessee Valley Aut	05000390
50-391	Watts Bar Nuclear Plant, Unit 2, Tennessee Valley Aut	05000391
50-397	WPPSS Nuclear Project, Unit 2, Washington Public Powe	05000397
STN-50-482	Wolf Creek Generating Station, Wolf Creek Nuclear	05000482
40-8027	Sequoyah Fuels Corp., Gore, OK,	04008027
70-0027	Babcock & Wilcox Co., Lynchburg, VA,	07000027
70-1201	B&W Fuel Co., Lynchburg, VA,	07001201
70-1151	Westinghouse Electric Corp., Pittsburgh, PA,	07001151
70-0143	Nuclear Fuel Services, Inc., Erwin, TN,	07000143
70-0734	General Atomics, San Diego, CA,	07000734
70-0036	Combustion Engineering, Inc., Hematite, MD,	07000036





FORD 2

✓ 70-0824 Babcock & Wilcox Co., Lynchburg, VA, 07000824  
 ✓ 70-1113 General Electric Co., Wilmington, NC, 07001113  
 72-0001 General Electric Co., Morris Operations, 70-1308, 07200001  
 70-1308 General Electric Co., San Jose, CA, 07001308

AUTH. NAME AUTHOR AFFILIATION  
 LIEBERMAN, J. NRC - No Detailed Affiliation Given  
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 NRC - No Detailed Affiliation Given

SUBJECT: Forwards repts prepared by regions for Employee Concerns Program, per Temporary Instruction 2500/038.

DISTRIBUTION CODE: DFO1D COPIES RECEIVED: LTR 1 ENCL 1 SIZE: 800  
 TITLE: Direct Flow Distribution: 50 Docket (PDR Avail)

NOTES: FAC TYPE: Uranium Hexafluoride Production 04003392  
 Application for permit renewal filed. 05000412  
 License Exp date in accordance with 10CFR2, 2. 109(12/22/72). 05000237  
 Standardized Plant. 05000454  
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 Standardized Plant. 05000483  
 Standardized Plant. 05000445

License Exp date in accordance with 10CFR2, 2. 109(9/19/72). 05000244  
 Application for permit renewal filed. 05000354  
 Current Lic exp date 1/9/2000. 05000133  
 Application for permit renewal filed. 05000353  
 License Exp date in accordance with 10CFR2, 2. 109(3/1/74). 05000255  
 STANDARDIZED PLANT 05000528  
 Standardized plant. 05000529  
 Standardized plant. 05000530  
 Application for permit renewal filed. 05000440  
 License Exp date in accordance with 10CFR2, 2. 109 05000206  
 LPDR 1 cy. 05000443  
 LPDR 1 cy. 05000444  
 Application for permit renewal filed. 05000400  
 1Cy: J. Aron, IE. 05000322  
 Standardized plant. 05000498  
 Standardized plant. 05000499  
 1cy NMSS/STSB/PM. 05000280  
 1cy NMSS/STSB/PM. 05000281  
 Application for permit renewal filed. 05000425  
 Standardized Plant. 05000482  
 LPDR 1 cy. ; OGC/SUTTAL ; OCA/COMBS, T ; NMSS/LLDR - LTR ONLY 04008027

FAC TYPE: URANIUM HEXAFLUORIDE PRODUCTION  
 FAC TYPE: Uranium Fuel Fabrication 07000027  
 FAC TYPE: Uranium Fuel Fabrication 07001201  
 FAC TYPE: Uranium Fuel Fabrication 07001151  
 FAC TYPE: Uranium Fuel Fabrication 07000143  
 FAC TYPE: Uranium Fuel Fabrication 07000734  
 FAC TYPE: Uranium Fuel Fabrication; LPDR 1cy. 07000036  
 FAC TYPE: Uranium Fuel R&D & Pilot Plants 07000824  
 FAC TYPE: Uranium Fuel Fabrication 07001113  
 FAC TYPE: Interim Spent Fuel Storage 07200001

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