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AUTH. NAME AUTHOR AFFILIATION
DOERFLEIN, L.T. Region 1 (Post 820201)
RECIP. NAME RECIPIENT AFFILIATION
SYLVIA, B.R. Niagara Mohawk Power Corp.

SUBJECT: Refers to 951016 ltr, in response to NRC 950907 ltr re alleged discrimination & potential chilling effect. Finds no basis to support claim that NMP discriminated because individual engaged in protected activities.

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June 27, 1997

Mr. B. Ralph Sylvia
Executive Vice President Generation Business
Group and Chief Nuclear Officer
Niagara Mohawk Power Corporation
Nuclear Learning Center
450 Lake Road
Oswego, NY 13126

SUBJECT: ALLEGED DISCRIMINATION

Dear Mr. Sylvia:

This letter refers to your October 16, 1995 correspondence, in response to our September 7, 1995 letter regarding alleged discrimination and the potential chilling effect. Specifically, it was brought to our attention that a former employee filed a complaint in the Supreme Court of the State of New York alleging that the Niagara Mohawk Power Corporation (NMPC) failed to comply with a number of pre-arranged employment provisions between it and the individual. The individual also indicated that he may have suffered retaliation as a result of pursuing an event with NMPC senior management involving a control room manning deficiency in October 1992.

We reviewed your response and conducted independent inspection of this matter. Based on our review, we found no basis to support the individual's claim that NMPC discriminated against him for engaging in protected activities in violation of 10 CFR 50.7. Also, we have no further questions regarding the issues discussed in your response.

We thank you for your attention to this matter and we consider it closed. If, during the course of the pending court case regarding your labor-management contract with him, new information arises related to discrimination against anyone in dealing with protected activities in accordance with 10 CFR 50.7, you should report that information to us with written details as soon as possible.

If you have any questions, please telephone me at (610) 337-5378.

Sincerely,

Original Signed by:

Lawrence T. Doerflein, Chief
Projects Branch 1
Division of Reactor Projects

Docket Nos. 50-220
50-410



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Mr. B. Ralph Sylvia

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cc:

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D. Wolniak, Manager, Licensing
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Mr. B. Ralph Sylvia

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