



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

December 7, 1984

MEMORANDUM FOR: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

FROM: James Lieberman
Director and Chief Counsel
Regional Operations and Enforcement Division, OELD

SUBJECT: AMENDED 2.206 PETITION RE: DIABLO CANYON

Enclosed for your action is an undated letter from the Government Accountability Project amending its July 31, 1984 2.206 petition filed on behalf of Messrs. James L. McDermott and Timothy J. O'Neill concerning the Diablo Canyon penalty. That petition was denied in part by a Director's Decision (DD-84-19) issued August 20, 1984. The question of whether the two petitioners had been improperly terminated or harassed and if so, what, if any, NRC action was appropriate, was left open until completion of an investigation by the Office of Investigations. While the current petition submits some additional information on the question of harassment and intimidation, it is essentially a new petition. Twelve affidavits detailing 491 allegations have been submitted (only to the Office of Investigations) in support of 15 additional requests for relief, listed in Enclosure 1. Many of the fifteen items have already been responded to in a letter from the Executive Director for Operations (EDO) to Mr. Thomas Devine dated September 24, 1984. (Exhibit 2 to the petition).

The petitioner has requested that the NRC either grant or deny the requested relief within 30 days or reach agreement within 30 days with petitioners on a corrective action plan.

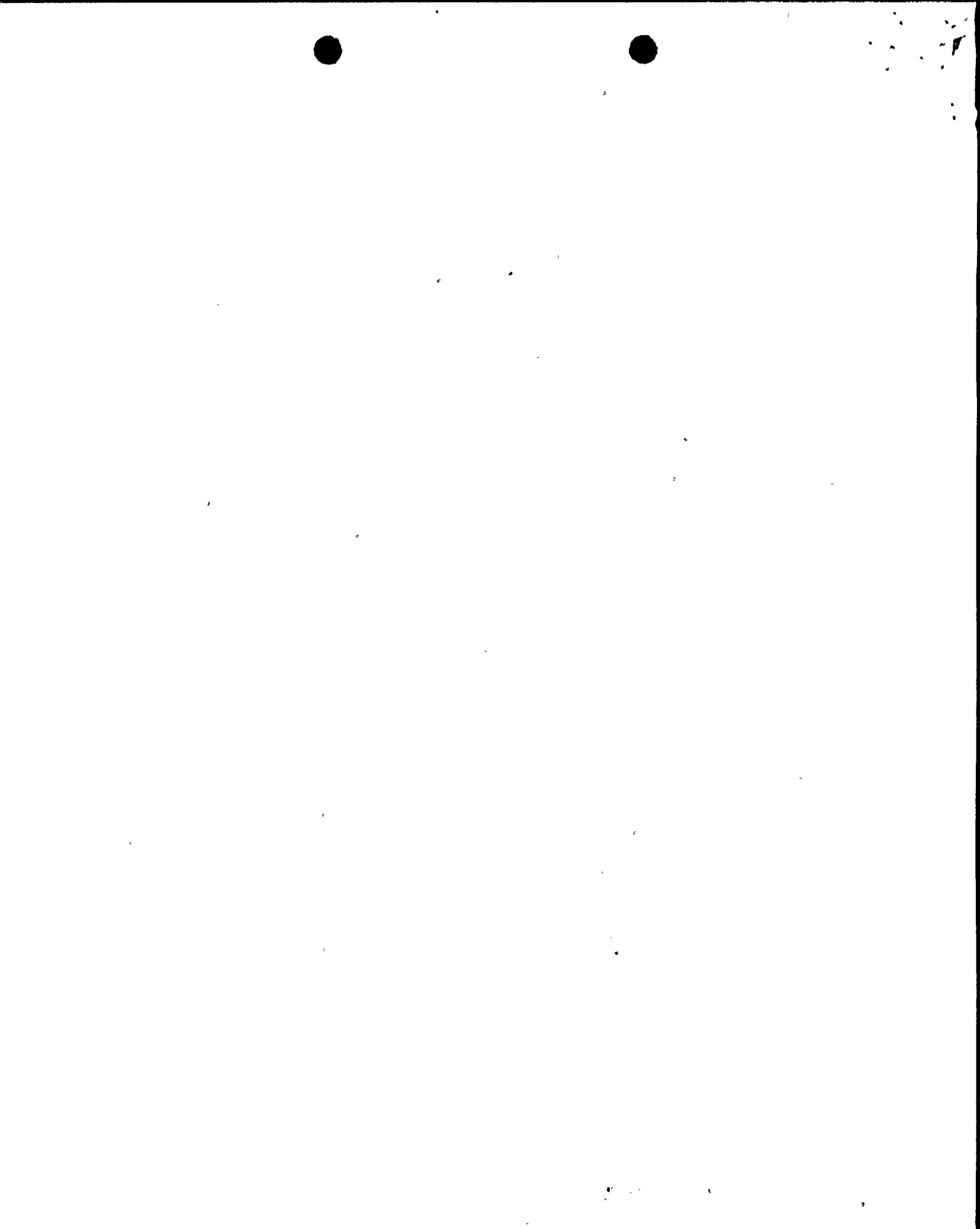
The initial response to the petitioner should address this request. The final response to the petition should be based on analyses of the allegations presented and for those items addressed in the EDO's letter, a determination of whether the information submitted or developed elsewhere changes the previous response.

We have drafted for your use an acknowledgment letter with a Federal Register Notice. Further information describing your plans, if any, to meet with the petitioner should be inserted by your staff or Region V as appropriate.

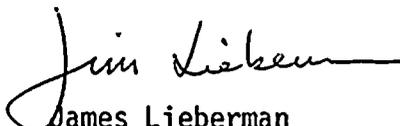
We will assist your staff in developing a final response to the petition. If you need further information from the licensee in taking final action, we

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can assist your staff in drafting an appropriate request for such information under 10 CFR 50.54(f). Please ensure that I am provided copies of all correspondence related to the petition and that I am asked to concur on all staff correspondence.



James Lieberman
Director and Chief Counsel
Regional Operations and Enforcement
Division, OELD

Enclosures:

- (1) Requested Relief
- (2) Petition
- (3) Draft letter and Notice

cc: (w/out encl.)

- J. Martin, Reg. V
- D. Eisenhut, NRR
- H. Scherling, NRR
- E. Christenbury, OELD
- L. Shollenberger, Reg. V

