

August 15, 2001

EA 01-051

Mr. John Groth, Senior Vice President
Nuclear Operations
Consolidated Edison Company of
New York, Inc.
Indian Point 2 Station
Broadway and Bleakley Avenue
Buchanan, NY 10511

SUBJECT: CONSOLIDATED EDISON JUNE 18, 2001 RESPONSE TO NRC LETTER,
DATED MAY 17, 2001

Dear Mr. Groth:

In your letter dated June 18, 2001, you responded to our May 17, 2001 letter that requested additional information regarding 1) your policies and procedures for consideration of fatigue in assessing a worker's fitness-for-duty, and 2) actions you have taken to assure that employees in all work groups at Indian Point 2 (IP2) feel free to raise safety concerns, specifically in the aftermath of a Department of Labor (DOL) Occupational Safety and Health Administration (OSHA) determination that a security guard was discriminated against for raising safety issues. We have reviewed your response and will consider your actions taken to date, and those planned, as we determine follow-up actions.

Regarding your policies and procedures for consideration of fatigue, although you state that current station practices recognize mental stress, fatigue, and illness as factors that could affect fitness-for-duty, you committed to provide additional procedural guidance by August 30, 2001. As a result of a current 10 CFR 2.206 petition, the NRC is currently reviewing generic aspects of this matter. In this regard, we note that limiting overtime in accordance with the NRC's policy guidelines does not, by itself, provide a basis to conclude that an individual is alert and fit for duty, within the context of Part 26. The NRC will review your program enhancements as part of a future inspection.

With respect to our request that you address actions taken to assure that employees in all work groups feel free to raise concerns without fear of retaliation, you reiterated that many of your current programs receive and address concerns raised by employees and assess the safety conscious work environment at IP2. You also highlighted a recent review of the Employee Concerns Program performed by a consultant in this area, which included recommendations for improvement that you are currently reviewing. Further, you concluded that continuing management attention in this area is warranted. The NRC agrees that you should continue to provide management attention to maintaining a safety conscious work environment at the Indian Point 2 plant; the NRC will continue to assess this important area.

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Regarding the discrimination issue, although we note that there was a settlement in the OSHA case, the NRC will continue to review the discrimination concern. Should you have any questions regarding this letter, or planned NRC inspections, please contact Mr. Peter Eselgroth at 610-337-5234.

Sincerely,

/RA/

Brian E. Holian, Deputy Director
Division of Reactor Safety

Docket No. 50-247
License No. DPR-26

cc:

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County Clerk, Westchester County Legislature
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