

POWER AUTHORITY OF THE STATE OF NEW YORK

10 COLUMBUS CIRCLE NEW YORK, N. Y. 10019

(212) 397-6200

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& GENERAL COUNSEL

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
NRC Revised Criteria for Qualification of
Reactor Operators

Dear Sir:

Your letter dated March 28, 1980 regarding the subject
criteria required the following in Item B.1.f of Enclosure 1;

"Applicants will grant permission to NRC
to inform their facility management regarding
the results of the examinations for purposes
of enrollment in requalification programs".

Commission regulations implementing the Privacy Act of 1974
5 U.S.C. §552 (a) and relating to disclosure of information are
contained in 10 CFR Part 9, Section 9.80 of that Part states that
the Commission shall not disclose any record maintained by it
except pursuant to a written request by, or with the prior written
consent of the individual to whom the record pertains unless certain
specified conditions are met.

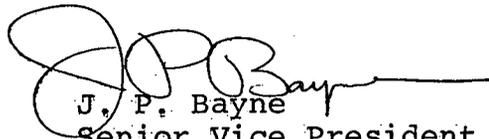
Item B.1.f. of the Commission's request dated March 28, 1980,
seeks to have the Authority compel its employees to waive their
rights under the statute and Commission's regulations. Because
this request raises questions concerning the legal implications
of actions taken pursuant thereto, the Authority cannot commit to
requiring its employees to waive their rights under the law unless
it has a legal interpretation from the Commission on the legality
and binding effect of such commitments.

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The Authority will, however, commit to enrolling any individual who does not successfully complete any portion of the reactor operator examination in an accelerated Requalification program when (1) the Authority is informed by the Commission that an operator has not satisfactorily completed or passed a portion of the operator examination or (2) the Authority otherwise learns that an operator has not satisfactorily completed the operator's examination. The Authority, moreover, will request its reactor operators to waive objections to release of the subject test scores to the Authority.

Very truly yours,



J. P. Bayne
Senior Vice President
Nuclear Generation

cc: Mr. T. Rebelowski
Resident Inspector
U. S. Nuclear Regulatory Commission
P. O. Box 38
Buchanan, New York 10511