



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

October 23, 1998

EA 98-496

Mr. James Knubel
Chief Nuclear Officer
and Senior Vice President
New York Power Authority
123 Main Street
White Plains, NY 10601

SUBJECT: POTENTIAL CHILLING EFFECT

Dear Mr. Knubel:

On October 9, 1998, an individual employee's access to the site was temporarily revoked. This occurred within days of the employee raising safety issues with both the General Manager of Operations and the Site Executive Officer. The temporary revocation occurred after the Site Executive Officer had expressed concerns about the method used by the individual to raise another safety issue. Although this matter is currently being reviewed by the NRC, and you reinstated the individual's site access that same day, the NRC is concerned that this event could have a chilling effect on the employees or contractors of NYPA, in that it may deter them from raising safety concerns.

Accordingly, pursuant to 10 CFR 50.54(f), 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 describes the actions you have already taken, or plan to take, to assure that this matter is not having a chilling effect on the willingness of other employees to raise safety and compliance concerns within your organization and, as discussed in NRC Form 3, to the NRC.

Your response should not, to the extent possible, include any 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 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 detail in the basis for your claim of withholding (e.g., you provide information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

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Mr. James Knubel

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response 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 Action of 1980, Pub. L. No. 96-511.

Should you have any questions regarding this letter, please feel free to contact Mr. David Lew, Branch Chief for the Indian Point 3 plant, at (610) 337-5255.

Sincerely,



Charles W. Hehl, Director
Division of Reactor Projects

Docket No. 50-286
License No. DPR-64

Mr. James Knubel

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Hand contacted
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 by Hehl

Also concurred
 with Ed Boller
 who is recd.
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