

November 3, 2000

Mr. Juan A. Cintron
218 Locust Ave
Cortlandt Manor, New York 10567

SUBJECT: CONCERNS YOU RAISED TO THE NRC REGARDING ADVERSE ACTION
FOR USING THE CORRECTIVE ACTION PROGRAM AT INDIAN POINT 3

Dear Mr. Cintron:

This letter refers to the concerns that you expressed to Mr. Peter Drysdale, the NRC senior resident inspector at Indian Point 3, on October 10, 2000, related to the Indian Point 3 reactor facility. You informed us that you believe an adverse action had been taken against you for using the corrective action program to document inappropriate management activity.

We have reviewed your concern and concluded that the activity in question is not an NRC regulated activity. Based on the information you provided, we understand that the inappropriate management activity involved management's performance of labor's planning duties, a condition prohibited by union agreements. Resolution of union/management disagreements regarding division of labor is not an NRC regulated activity. Further, since there is no link to a protected activity, such as raising a safety concern, we concluded that your discrimination complaint, as stated, is not within NRC regulatory jurisdiction. Therefore, we do not intend to follow up on your concerns.

In this letter, we have provided our assessment of the facts as we understand them for the event about which you have expressed concern and believe that we are being responsive to that concern. However, should you have any additional questions, or if the NRC can be of further assistance in this matter, please call me at 610-337-5129.

Sincerely,

/RA/

James C. Linville, Chief
Projects Branch 6
Division of Reactor Projects

Docket No. 05000286

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