

March 24, 2000

Mr. David A. Lochbaum
Union of Concerned Scientists
1616 P Street, NW, Suite 310
Washington, DC 20036-1495

Dear Mr. Lochbaum:

I am responding to the Petition that you submitted pursuant to 10 CFR 2.206 to the U.S. Nuclear Regulatory Commission (NRC) on February 10, 2000, on behalf of the Union of Concerned Scientists. In the Petition, you requested that the NRC order the Power Authority of the State of New York, the licensee for the Indian Point Nuclear Generating Unit No. 3 (IP3) to assess the corrective action process and the work environment at IP3 and to take immediate actions to remedy any deficiencies they may identify. You further requested that the NRC verify that all remedial actions have been completed before we close out the order and that the order be closed out before the ownership of the Indian Point facility is transferred.

As the basis for your request, you stated that NRC's new safety monitoring program assumes that the licensee has both a safety-conscious work environment and an effective method of correcting identified problems. In support of your request you cite concerns by a former member of the licensee's Operations Review Group (ORG) that the corrective action process at IP3 is not effective and that the work environment in the ORG is not safety-conscious. You also cite several NRC letters that point out deficiencies in the licensee's corrective action program and one letter that points out an apparent instance of discrimination against an employee who raised safety concerns. In a telephone conference on February 16, 2000, you voiced your concern that, under our proposed risk-informed safety monitoring program, a breakdown in the licensee's corrective action procedures for a non safety-related system would not be pursued. You were concerned that our inspectors might not be able to identify a programmatic breakdown in the corrective action process before such a breakdown affected plant safety.

In your Petition you requested that the action be completed before the ownership of the IP3 facility is transferred. We have not yet received an application for license transfer; however, as provided by 10 CFR 2.206, we will take further action on the issues in your request within a reasonable time. I have assigned George Wunder as the petition manager for this issue. He can be reached at (301) 415-1494. The Petition is being reviewed by the Office of Nuclear Reactor Regulation. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

D. Lochbaum

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We recognize your efforts to bring these issues to our attention and appreciate your interest in and concern for ensuring public health and safety and the continued safety of nuclear power reactors.

Sincerely,

/RA by Jon R. Johnson for/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Enclosure: As stated

cc w/encl: Licensee (w/copy of incoming 2.206 request)
and Service List

We recognize your efforts to bring these issues to our attention and appreciate your interest in and concern for ensuring public health and safety and the continued safety of nuclear power reactors.

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Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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UNITED STATES NUCLEAR REGULATORY COMMISSIONPOWER AUTHORITY OF THE STATE OF NEW YORKDOCKET NO. 50-286FACILITY OPERATING LICENSE NO. DPR-64RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by Petition dated February 10, 2000, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists (Petitioner), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Indian Point Nuclear Generating Unit No. 3 (IP3), owned and operated by the Power Authority of the State of New York (the licensee). The Petitioner requests that the NRC order the licensee to assess the corrective action program and the work environment at IP3 and to take immediate actions to remedy any deficiencies they identify. The Petitioner requested that this order be closed out before the sale of IP3 is authorized.

As the basis for this request, the Petitioner states that the NRC's new safety monitoring program assumes that the licensee has both a safety-conscious work environment and an effective method of correcting identified problems. In support of this request, the Petitioner cites concerns by a former member of the licensee's Operations Review Group (ORG) that the corrective action process at IP3 is not effective and that the work environment in the ORG is not safety-conscious. The Petitioner also cites several NRC letters that point out deficiencies in the licensee's corrective action program and one letter that points out an apparent instance of discrimination against an employee who raised safety concerns. In a telephone conference on February 16, 2000, the Petitioner voiced concern that under the NRC's new risk-informed inspection process a breakdown in the licensee's corrective action procedures for a non safety-related system would not be pursued. The Petitioner expressed concern that NRC inspectors

might not be able to identify a programmatic breakdown in the licensee's corrective action process before such a breakdown affected plant safety.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www/nrc.gov>).

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Jon R. Johnson, Acting Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 24th day of March 2000

Indian Point Nuclear Generating Station
Unit No. 3

Regional Administrator, Region I
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