

June 29, 2000

The Honorable Sue W. Kelly  
U.S. House of Representatives  
Washington, D.C. 20515-3219

Dear Congresswoman Kelly:

I am responding to a question you raised with me at the June 25, 2000 public meeting regarding a memorandum, prepared by the Consolidated Edison Company of New York, Inc. (Con Ed), that was referenced in a news article pertaining to emergency planning (EP) issues at Indian Point Unit 2 (IP2). Specifically, you asked when the NRC became aware of the ConEd memo.

The ConEd memo referred to in the news article was actually an operating experience report (OER) prepared by ConEd and distributed to other utilities under the auspices of a program for sharing operational experience sponsored by the Institute of Nuclear Power Operations (INPO). In this case, ConEd provided information on problems with onsite emergency planning that occurred during the steam generator tube failure event at IP2 on February 15, 2000. OERs are routinely shared within the nuclear industry so that utilities can learn from the experience of others. The NRC encourages licensees to perform self-critical reviews of their actions during events in order to facilitate the identification and implementation of safety improvements for the future. Moreover, the NRC has recognized the importance of INPO's facilitation of the free sharing of this information, on a proprietary basis, among member utilities. In accordance with NRC policy, we do not normally review such INPO documents and, therefore, would not have expected to receive the report from ConEd or INPO. We do have an understanding with INPO, however, that any immediate safety issues raised in such reports will be disclosed to the NRC.

NRC personnel first became aware of the document regarding EP issues at IP2 on June 15, 2000, when we contacted the Federal Emergency Management Agency (FEMA) regarding a "FEMA contractor analysis" referenced in a FEMA internal memorandum that was included in a petition submitted to the NRC on June 12, 2000. The "analysis" was actually the OER, which had been forwarded to FEMA in May. On June 16, 2000, we obtained a copy of the OER from a member of the news media and subsequently received a copy from FEMA on June 20, 2000. We have also reviewed a revised version of this OER received on June 21, 2000, which did not differ substantially from the first document.

As I explained at the public meeting on June 25, as soon as we received the memo, the staff reviewed it to determine whether it contained new information. We determined that the broad performance issues discussed in the OER had been previously brought to light in our inspection activities and had been addressed in the Augmented Inspection Team (AIT) report, issued on April 28, 2000, which we have already provided to your office. Therefore, no further action was required by the staff. The NRC concerns regarding these onsite EP performance issues were discussed at both the AIT exit meeting on March 29, 2000, and at a meeting with ConEd on April 26, 2000, that was open for public observation. We also conveyed our concerns regarding EP performance in a letter to ConEd, dated May 23, 2000, in which we informed ConEd that the NRC senior managers had classified IP2 as an agency-focus plant.

Onsite emergency preparedness at IP2 has been an ongoing issue of NRC concern, both prior to and following the February 15 event. Accordingly, we have continued to conduct inspections and reviews of ConEd's corrective actions in this area. Subsequent to the AIT, we performed a review of ConEd's EP program, which included observation of an on-site emergency exercise. This review was completed on June 2, and the results will be documented in an inspection report in the near future. I will ensure that a copy of that report is promptly provided to you upon its issuance.

I am pleased that you attended the public meeting on June 25 and stated your views on developments at the IP2 site. I trust that we have addressed your questions on this matter.

Sincerely,

/RA/

Hubert J. Miller  
Regional Administrator

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