

January 22, 2001

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

I am responding to your letter dated January 4, 2001, in which you raised concerns about operations at Consolidated Edison's Indian Point 2 nuclear power station. In particular, you raised concerns about leaks at Indian Point 2, and communications with local residents and officials regarding plant activities. You also requested that the Nuclear Regulatory Commission (NRC) suspend operations at Indian Point 2 until additional inspections are conducted. Since receiving your letter, the NRC's Office of Congressional Affairs has been in contact with your office regarding these matters.

Consistent with our designation of Indian Point 2 as a plant warranting heightened scrutiny under our Reactor Oversight Program, we have been closely monitoring plant activities. We have conducted augmented inspections of Consolidated Edison's restart testing and power ascension program and have carefully assessed its handling of various equipment issues that have arisen during the restart process, such as the reported pressurizer relief valve leakage to the plant's pressurizer relief tank to which you refer to in your letter. We have determined that this leakage, which by design is being retained by plant systems, is well below allowable NRC limits. This leakage is also well below levels that would adversely affect operation of the safety valve. In this connection, it is important to note that the high-pressure reactor coolant systems at all nuclear power plants can experience a very small amount of leakage, which is routinely retained by plant systems and processed in a safe and controlled manner. This leakage is fundamentally different from the leakage during the February steam generator tube failure, and poses no threat to public health and safety or plant employees.

With respect to your concerns about communications, detailed information on plant status is most appropriately provided by Consolidated Edison. We have addressed this point with senior Consolidated Edison officials and understand they are now providing daily reports on plant status, including various problems being addressed at the facility, to local officials and interested Members of Congress. The NRC has also worked diligently to inform the public, government officials, and other external stakeholders of our oversight activities. In early 2000, the NRC established a Web site for the Indian Point 2 plant to facilitate communication to the public. Moreover, we have held numerous public meetings and provided reports of our inspections and assessments over the past year. For example, on November 16, 2000, a meeting was held specifically to provide recent inspection results and to inform stakeholders of the NRC's oversight of the Indian Point 2 restart. Subsequently, stakeholders were informed by telephone on December 21, 2000, of the pending restart of Indian Point 2, and a letter providing

the latest inspection and assessment information was issued on December 22, 2000. In addition, the NRC's Office of Congressional Affairs staff has been working with your staff to support your request for a meeting.

With respect to your request that plant operations be suspended pending additional inspections, I note that Consolidated Edison's operation of Indian Point 2, like that of all licensed power reactors, is subject to the terms and conditions of its license and the Commission's regulations. Consolidated Edison is authorized under its license to operate the facility within these strictures absent a Commission order that bars further operation. In light of the results of inspections to date and our ongoing oversight of licensee activities, the Commission believes it has no basis for taking the extraordinary step of issuing an order to suspend operations at Indian Point 2. This conclusion is based on inspections conducted over the past several months that examined such things as safety system readiness, licensed operator training, corrective actions, and aspects of emergency preparedness. (Reports of these inspections have been made publicly available.) Further, as you know, we have initiated a significant, supplemental team inspection to provide additional insights into facility operations at Indian Point 2. This inspection team is made up of over a dozen people from various NRC regional offices, NRC headquarters, and contractors. This inspection will consist of three weeks of on-site inspection activities. We believe this and other NRC inspection and oversight activities obviate the need for additional, independent reviews.

I want to assure you that the NRC takes the health and safety of the public very seriously. If the NRC should find that the licensee is not complying with NRC requirements or not maintaining safe operations, the NRC will take appropriate action.

If you have any further questions, please contact me.

Sincerely,

/RA/

Richard A. Meserve