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COMMISSION CORRESPONDENCE

Correspondence Response Sheet

Date: May 12, 2000

To: Chairman Meserve
Commissioner Dicus ✓
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

From: Annette Vietti-Cook, Secretary

Subject: Letter to Congressman Maurice Hinchey concerns recent steam generator tube failure at Indian Point 2

ACTION: Please comment/concur and respond to the Office of the Secretary by:

Time: NOON
Day: Monday
Date: May 22, 2000

5/18/00

Comment:

Commissioner Dicus
Staff's comments
are attached.
B. Jones
5/15

Contact: Jefferey Harold, EDO/NRR
415-1421

Entered in STARS Tracking System Yes No

W/ 5/25



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

CHAIRMAN

The Honorable Maurice D. Hinchey
United States House of Representatives
Washington, DC 20515-3226

Dear Congressman Hinchey:

I am responding to your letter of April 5, 2000, regarding the recent steam generator tube failure at Indian Point 2 (IP2) in Buchanan, New York. In your letter, you requested our support for an objective technical review of a number of issues. These issues include a Petition from the Union of Concerned Scientists (UCS), and a reevaluation of the emergency evacuation plan. You also requested that all outstanding safety issues be resolved before the NRC approves sale of the IP2 plant, that a copy of the IP2 Updated Final Safety Analysis Report (UFSAR) be forwarded to your office, and that the NRC hold a public meeting to address the concerns of citizens.

The NRC staff is reviewing the UCS Petition, filed under 10 CFR 2.206, that requested the NRC issue an order preventing restart of IP2 until (1) all four steam generators are replaced, (2) the steam generator tube integrity concerns identified by Dr. Joram Hopenfeld in a differing professional opinion (DPO) are resolved and (3) potassium iodide tablets are distributed to residents and businesses within the 10-mile IP2 emergency planning zone. In an acknowledgment letter dated April 5, 2000, the staff informed UCS (and the other petitioners) that its request regarding replacement of the steam generators met NRC criteria for review under 10 CFR 2.206 and that the remaining requests, regarding resolution of the DPO and distribution of potassium iodide, did not meet these criteria. As a result of an April 14, 2000, supplement to the original 2.206 Petition, the NRC is reconsidering ~~review of~~ *whether* the DPO and

issues are appropriate for consideration under 2.206.
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distribution of potassium iodide, ~~under 2.206~~. The staff plans to issue a supplement to its April 5, 2000, letter describing the results of this reconsideration.

Even if, after reconsideration, we determine that the Petitioners' concerns do not meet the criteria for review under 10 CFR 2.206, the NRC will, nevertheless, review these matters. The concerns raised by Dr. Hopenfeld will be addressed under the NRC's DPO process. This process provides for the formal review of concerns raised by individual NRC employees who disagree with a position adopted by the NRC staff. The issue of distributing potassium iodide in the vicinity of IP2 is already being considered under the NRC's rulemaking procedure. On June 14, 1999, the Commission published a proposed rule in the Federal Register (64 FR 31737) for a 90-day public comment period. That proposed rule would require that consideration be given to include the use of potassium iodide as a protective measure for the general public as a supplement to sheltering and evacuation. The final rule is currently being considered by the Commission and should be published by mid-2000.

Regarding the emergency plan for Indian Point, you requested an explanation of the roles of the NRC, the Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), and other Federal agencies involved in developing the plan. You also stated that citizen input is crucial to emergency planning and expressed your concern that the emergency plans for the IP area had been developed without such input. Radiological emergency response plans for nuclear power plants are developed in accordance with the requirements and guidance of the NRC and FEMA, the two Federal agencies tasked to evaluate emergency preparedness at and around nuclear power plants. The onsite emergency plan is developed by the plant's licensee, and the offsite emergency plans are developed by the local and state governments. The NRC is responsible for assessing the adequacy of the onsite

steam generator tube failure. The NRC staff responded to questions from the public at the conclusion of this meeting. On March 14, 2000, ~~the~~ senior NRC Region I and Headquarters staff conducted a public meeting at the Peekskill Armory in Peekskill, New York. The purpose of this meeting was to provide the public with information regarding the event at IP2 and to answer their questions and concerns. The NRC is planning to hold another meeting at the IP2 site to discuss the readiness of IP2 to restart. This meeting will be held shortly before the restart of the unit. The meeting will be open to the public, and questions from the public will be welcome.

With respect to your request that all outstanding safety issues be resolved before the sale of IP2 is approved, we have received no request for a transfer of the IP2 license. In the event that a license transfer is received, the NRC staff will do a thorough evaluation to ensure that the new licensee is financially and technically qualified to assume operation of the plant; furthermore, any commitments that Con Ed has made regarding plant operations or maintenance will transfer to the new licensee.

In regard to your request that you be provided with a copy of the UFSAR for IP2, I understand that Con Ed will send you a copy of this document on CD-ROM.

I ~~want to~~ assure you that IP2 will not restart before Con Ed demonstrates that NRC requirements regarding steam generator operations have been met and NRC specifically approves restart.