

CORR: 00-0103-REVISION 2

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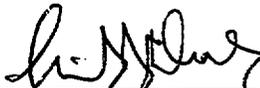
COMMISSION CORRESPONDENCE

Correspondence Response Sheet

Date: **July 24, 2000**

I recommend this response also address the July 11, 2000, letter from Congressman B. A. Gilman and Congresswomen S. Kelly and N. Lowey concerning IP-2. My other edits are attached.

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


Nils J. Diaz 7/25/00

From: **Annette Vietti-Cook, Secretary**

Subject: **Letter to Representative Sue W. Kelly concerns the safety of operations at the Indian Point 2 plant**

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

Time: **C.O.B.**
Day: **Tuesday**
Date: **July 25, 2000**

Comment: **REVISED BY THE CHAIRMAN'S OFFICE. REVISION INCORPORATES RESPONSE IN CORR-00-0118.**

Contact: **Mike Tschiltz, OCM/RAM**
415-1750

Entered in STARS Tracking System **Yes** **No**

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ORIGINAL



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

You also requested that we take into consideration the report from

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

Dear Congresswoman Kelly:

I am responding to your letters of May 26, 2000, ~~June 14, 2000,~~ and June 28, 2000, in which you expressed continued concern about operation of the Indian Point Nuclear Generating Unit No. 2 (IP2). ~~You specifically expressed concern about the steam generator tube failure at IP2 on February 15, 2000, and about the efforts being undertaken by~~ our Office of the Inspector General (OIG). ~~You have also noted issues regarding the Nuclear Regulatory Commission (NRC) staff's handling of the review of Consolidated Edison's (Con Ed's) proposal to restart IP2 with the existing steam generators, the designation of IP2 as an "agency focus" plant, and other related matters.~~ *following* *when NRC makes its decision regarding the restart of IP2*

As you are aware from discussions with NRC staff, since the February 15, 2000, event, the plant's owner, Consolidated Edison Company of New York, Inc. (Con Ed), has inspected the tubes in all four steam generators, and has taken a number of tubes out of service. As a result of this inspection, Con Ed removed some tubes from service. Con Ed evaluated the tube inspection data and concluded in ~~submitted~~ its Operational Assessment Report of June 2, 2000, that there is reasonable assurance that the tubes that have been left in service will maintain their structural integrity for 10 months of operation ~~requesting the NRC's approval to allow operation of IP2 with the current steam generators, which~~ Con Ed has stated their ~~its~~ intention

to begin replacement of the steam generators by the end of the year. The As you know, the NRC staff is reviewing ² has reviewed Con Ed's report and, based on this review, will has determined that there is an insufficient technical basis to permit operation to resume whether or not continued operation of IP2 with the current steam generators poses an undue risk to public health and safety. Our Regional staff are also continuing their inspection activities in order to ensure that all appropriate corrective actions have been completed. The results of staff's ^{were} review was transmitted by letter to Con Ed on July 20, 2000, a copy of that letter was provided to you. The staff has requested additional information from Con Ed with regard to the operational assessment and will continue its review when Con Ed has provided the information requested. Under no circumstances will Con Ed be permitted to restart IP2 with the existing steam generators unless and until the staff determines that a sufficient technical basis for such action exists.

An OIG review of the issues before and after the February 15, 2000, event is ongoing, and the results are scheduled to be reported in mid-August. Consistent with its standard process, the OIG will provide safety-significant insights to me and the staff, as appropriate, even if the OIG's work is not then complete. This information will be taken into account in deciding whether or not to allow IP2 to resume operations. In this regard, OIG will be providing me with an IP2 briefing on July 21, 2000. The OIG will provide safety-significant insights to me and the staff as appropriate during the course of its investigation. If weaknesses in the staff's review process are found, we will take appropriate action to strengthen those processes.

As you note in your June 14, 2000, letter, the NRC has designated IP2 an "agency focus" plant. Such a designation does not indicate that the plant is unsafe to operate. Rather, it indicates that the NRC has increased its oversight activities at the plant to ensure that its safety

performance meets the NRC's requirements, and that prompt corrective actions are taken by the licensee to address identified deficiencies. IP2 will remain an "agency focus" plant until such time as the NRC determines through its plant oversight process that the plant's performance merits removal from that category.

The NRC staff has kept the Commission fully informed of the status of IP2 and of the staff's findings. The NRC staff will inform the Commission, internal stakeholders including OIG, as well as the public in the vicinity of the plant, of the results of the review of the IP2 steam generator operational assessment, prior to issuing its decision on the restart of the plant.

I can assure you that the NRC staff's and Commissioners' primary concern is that the health and safety of the public in the vicinity of IP2 is protected. The NRC will approve future operation of the plant with the current steam generators only if we conclude that the generators meet the tube integrity performance criteria discussed in the NRC's July 20, 2000, letter to Con Ed, and can be operated so as to pose no undue risk to public health and safety.

applicable

I appreciate the extent of your concern in these matters. If you have additional questions, please contact me.

I trust that this letter addresses your concerns.

Sincerely,

Richard A. Meserve