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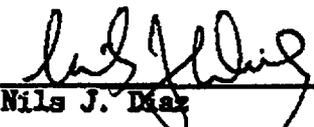
COMMISSION CORRESPONDENCE

Correspondence Response Sheet

Date: August 21, 2000

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

I concur, with attached edits.


Nils J. Diaz / 08/19/00

From: Annette Vietti-Cook, Secretary

Subject: Letters to Representatives Sue W. Kelly, Nita Lowey, and Benjamin A. Gilman concerns restart of Indian Point 2

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

Time: 3:30 p.m.

Day: Tuesday

Date: August 29, 2000

Comment: LETTERS ARE SIMILAR, BUT NOT IDENTICAL. RESPONSE TO REP. KELLY LETTER ALSO ADDRESSES JULY 12 LETTER.

Contact: Patrick Milano, EDO/NRR
415-1457

w/6/

Entered In STARS Tracking System Yes No

ORIGINAL



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

The Honorable Sue W. Kelly
United States House of Representatives
Washington, DC 20515-3219

Dear Congresswoman Kelly:

I am responding to your letter of July 11, 2000, in which you and Representatives Gilman and Lowey requested (1) that the decision on the proposal by Consolidated Edison of New York, Inc. (ConEd), to restart its Indian Point Nuclear Generating Unit No. 2 (IP2) with the existing steam generators be suspended until the investigation by the U.S. Nuclear Regulatory Commission's Inspector General (IG) and the General Accounting Office (GAO) study are concluded and (2) that the final decision on restart be rendered by the full Commission. In your letter of July 12, 2000, you also request that a Commission briefing on the proposed restart of IP2 be held before a final decision on restart is made.

The NRC staff remains focused on its mission to ensure public health and safety. Although the ultimate responsibility for safe operation rests with the plant operators, the NRC uses its regulatory oversight functions to monitor performance and ensure that licensees comply with regulations. As I have stated in the past, the NRC has concluded that public health and safety have been adequately protected at IP2. However, the NRC shares your concern about events at the plant and recognizes the importance of our continued close attention to ConEd's corrective actions for performance problems. On May 25, 2000, NRC senior managers briefed the Commission regarding a number of noted weaknesses at IP2 that had led to their determination that the plant warrants oversight as an "agency focus" plant. Because of this action, the NRC staff is applying additional resources and oversight of the licensee's program and corrective actions to improve overall standards. The issues identified in your letter were

plant performance.

NRC's oversight of

included in the staff's assessment when it made the decision to commit additional resources to IP2, and these areas will be closely monitored in the future.

As you are aware, ConEd announced its decision to replace the existing steam generators before restarting the unit. In this regard, ConEd's steam generator replacement team, which includes Duke Energy Services and Morris-Knudsen, will start work by the end of the month. ConEd's current schedule shows the completion of the replacement before the end of the year. The NRC staff will be focusing its oversight on ConEd's replacement work, monitoring the inspections of the new steam generators, and conducting inspection and assessment activities associated with the NRC's designation of IP2 as an "agency focus" plant.

The staff has kept and will continue to keep the Commission informed of its review activities, both as they relate to the restart of IP2 and to the licensee's overall corrective actions to improve plant performance. The Commission believes that the staff is taking appropriate actions to ensure that the health and safety of the public will continue to be maintained. The Commission has taken under advisement your request for a Commission briefing prior to the restart of the facility.

The staff will cooperate with GAO as it proceeds to study the overall performance of the facility and will consider any insights from the GAO study in the NRC's oversight of the licensee's performance. In addition, as I noted in my letter of July 26, a review by the NRC's Office of Inspector General (OIG) of issues related to IP2 is ongoing and is expected to be reported on shortly. The OIG will provide any safety significant insights to me and the staff, as appropriate, during the course of its investigation. ~~Similarly, the staff will inform OIG of the results of its decision on ConEd's June 2 request.~~

3

We will continue to keep you ~~and your office~~ informed of the NRC's progress regarding its ongoing reviews *regarding IP2 restart and plant performance.*

Sincerely,

Richard A. Meserve



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The Honorable Nita Lowey
United States House of Representatives
Washington, DC 20515-3219

Dear Congresswoman Lowey:

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The Honorable Benjamin A. Gilman
United States House of Representatives
Washington, DC 20515-3219

Dear Congressman Gilman:

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CHAIRMAN

UNITED STATES
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The Honorable Sue W. Kelly
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