


CORR: 01-0057

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COMMISSION CORRESPONDENCE

Correspondence Response Sheet

Date: April 5, 2001

To: **Chairman Meserve** Concur subject to the attached edits.
Commissioner Dicus
Commissioner Diaz — 
Commissioner McGaffigan Nils J. Diaz 04/10/01
Commissioner Merrifield

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

Subject: **Letter to James Riccio, Public Citizen's Critical Mass Energy & Environmental Program, concerns Indian Point 2 and NRC's conclusions in an inspection report pertaining to the Reactor Protection System**

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

Time: 3:30 p.m.
Day: Friday
Date: April 13, 2001

Comment:

Contact: **Patrick Milano, EDO/NRR**
415-1457

Entered in STARS Tracking System Yes No

W/108

inspection initiatives to assess the readiness of plant systems and equipment. We devoted a significant ~~effort~~ ^{AMOUNT OF RESOURCES} to assess the issues which emerged during these reviews and plant restoration activities. ~~Numerous issues arose with respect to the plant design control process and vendor interface affecting such functions as residual heat removal system flow, containment pressure control, diesel generator starting sequence, and battery capacity.~~

~~As with all of these issues and consistent with our process, our review of problems reported on the RPS involved the sampling of issues or conditions which, in the judgment of inspectors, potentially affected the ability of equipment to perform intended safety functions.~~ ^{ISSUE} ^{CONSISTENT WITH OUR} ^{INSPECTION PROCESS.}

NRC has unfettered access to plant activities, reports and records. During the period before plant restart, in the normal screening of condition reports generated by Con Edison's corrective action process, our resident inspectors became aware of wiring and drawing discrepancies in the RPS. The resident inspectors selected for examination condition reports on cable separation problems which potentially affected system operability. The resident inspectors obtained help from a specialist in the region. We believe our inspection and assessment of these issues provided reasonable assurance that the discrepancies reported were not of a nature that would prevent this system from performing its intended safety function. We believe, contrary to your statements regarding "lack of a questioning attitude" by NRC staff, that our inspectors were appropriately thorough.

Our inspections and review of RPS issues continued past restart and the end of the inspection period covered in the January 30, 2001, inspection report. We are still inspecting RPS issues, examining, among other things, information contained in other condition reports some of which you described in your meeting with me. While we continue to identify issues

similar to those previously raised, we have found none that would render the system inoperable. Confidence ^{in the ability} about operability of the RPS ^{to perform its intended safety function} is enhanced by the frequent testing conducted by Con

Edison following detailed requirements in the technical specifications. If at any time Con Edison or the NRC were to determine there was a significant problem associated with the RPS, Con Edison would be required to take action in accordance with the condition of their license, up to and including plant shutdown for problems affecting operability. Results of inspections conducted from the beginning of the year are being documented in inspection reports.

and observed on a sampling basis by NRC inspectors.

The NRC has been concerned about the general area of design control and engineering support at the IP2 plant, of which the RPS issues are a subset, for the past several years. Along with other performance issues, it was a consideration in designating IP2 as an "agency focus" facility warranting heightened oversight in May 2000. As described most recently by the NRC at the March 2, 2001, public exit for the 95003 supplemental inspection, we have continued to identify weaknesses in this area. As we said at the exit meeting, we expect Con Edison to reassess their improvement efforts related to design control and inform us of changes they plan to make to address identified issues. This area will be a topic of discussion at a public meeting with the NRC staff following Con Edison's receipt of the 95003 inspection report.

We have taken numerous steps to keep the public accurately informed of our inspections, assessments, and findings at the IP2 plant. As you know, we instituted a special website and have held numerous public meetings over the past year. We believe, in all of this, that our communications on IP2 matters have been extensive and accurate.

Your letter also expressed concern that the RPS ^{ISSUES} ~~problems~~ call into question the adequacy of Con Edison's response to our letter requesting, under 10 CFR 50.54(f), information on design basis documentation. In a December 4, 2000, Petition that you, among others, submitted under 10 CFR 2.206, you raised similar concerns. We are reviewing your Petition and expect to respond in detail to this item of your Petition by July 2001.

I understand that you have informed the NRC's Office of the Inspector General and Congressional oversight committees of your concerns. Therefore, ^A a copy of this response, along with your March 5, 2001, letter, will be forwarded to these parties. If you have any further questions please contact me.

Sincerely,

Richard A. Meserve