

May 5, 2004

The Honorable Eliot L. Engel  
United States House of Representatives  
Washington, DC 20515

Dear Congressman Engel:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of March 30, 2004, to Mr. Eric Leeds, in which you requested the NRC to closely look at the comments from Union of Concerned Scientists (UCS) and Riverkeeper, Inc., on the NRC's proposed Director's Decision dated February 19, 2004. In their petition of September 8, 2003, pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations*, UCS and Riverkeeper requested that the NRC take certain actions until the containment sumps at Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP 2 and 3) are modified to resolve issues identified in NRC Generic Safety Issue (GSI)-191, "Assessment of Debris Accumulation on PWR [Pressurized-Water Reactor] Sump Performance." The NRC established GSI-191 to evaluate the impact of potential debris-induced loss of emergency core cooling systems (ECCSs) at PWRs.

As you noted, Chairman Diaz, in his letter to you on November 24, 2003, stated that sump performance is an important issue and it is currently being addressed through our Generic Issue Program. He also stated that the NRC had concluded that continued operation of the plants does not pose an undue risk to public health and safety while the generic safety issue is being resolved. He noted that the NRC-sponsored parametric study on which the petitioners based their requests was a generic study that does not provide a sufficient basis and level of detail for drawing conclusions about the operability of the sumps at individual plants and that additional plant-specific reviews are needed to assess the sump reliability for individual plants. At Indian Point, the staff found the potential risk associated with this issue was minimized because of measures such as the significant reduction in the amount of calcium silicate insulation (a major contributor to sump blockage), the lower actual sump flow rate, and the redundant sumps that were not credited in the generic Los Alamos National Laboratory (LANL) study that the petitioners referenced. Further, a follow-on LANL report provided more realistic estimates of the risk associated with the sump clogging issue than the study that the petitioners cited. It also gave updated risk estimates that utilized the latest information on pipe break frequencies and accounted for operator action, which were not originally considered in the prior study. Based on the LANL risk studies, the average plant core damage frequency (CDF) calculated for the GSI-191 containment sump issue is slightly less than once per 100,000 reactor years. This generic estimate indicates that, in combination with the actions taken in response to NRC Bulletin 2003-01, "Potential Impact of Debris Blockage on Emergency Sump Recirculation at Pressurized-Water Reactors," dated June 9, 2003, it is safe for plants to continue to operate while they are performing the necessary plant-specific analyses. The estimate does justify further plant-specific analyses. If these analyses identify the potential for substantial safety enhancements, the issues will be corrected.

In accordance with its Management Directive, the NRC staff issued the proposed Director's Decision to give both the petitioners and the licensee an opportunity to comment on the decision. Upon receipt of any comments, the staff reviews and evaluates the comments. A copy of the petitioner's comments and the associated staff responses will be included in the final Director's Decision. Should the staff find that the petitioner has included new information, it may be treated as part of the current petition or as a new petition. With regard to the March 30, 2004, comments from UCS and Riverkeeper, the NRC staff evaluation is currently ongoing. I assure you that the staff is closely reviewing the comments and will address each of the issues in an appropriate manner.

Sincerely,

**/RA by LAReyes for/**

William D. Travers  
Executive Director  
for Operations

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