

May 7, 2004

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Stop O-P1-17
Washington, DC 20555-0001**Subject:** Indian Point Energy Center Unit 2 – Docket No. 50-247, Letter NL-03-165, Dated October 21, 2003
NRC Request for Information, Dated February 19, 2004**Objection to Entergy's Request for One-Time Change to the Technical Specifications for Steam Generator Tube Inspection Requirements**

Dear Sir or Madam:

NYSERDA has learned that Entergy Nuclear Operations, Inc. (Entergy) has requested an exemption for their Indian Point Energy Center (IPEC) Unit 2 to extend the inspection interval for the steam generator tubes from the upcoming fall 2004 refueling outage to the spring 2006 refueling outage. We have reviewed this matter with staff of the New York State Departments of Health and Public Service and, based on our review, we object to the granting of the exemption. Our objection is based on two main factors: past history of the plant, and insufficient inspection history. These concerns are detailed below.

As you will recall, the February 15, 2000 steam generator tube rupture at IPEC Unit 2 occurred during a steam generator inspection extension period that the NRC granted. Consolidated Edison, the former owner of IPEC Unit 2, submitted a license amendment request to the NRC on December 7, 1998 seeking to modify its technical specifications to allow a one-time extension of the steam generator inspection from June 13, 1999 to June 13, 2000.¹ The NRC approved license amendment No. 201 on June 9, 1999 allowing an extension to the steam generator inspection interval to coincide with the year 2000 refueling outage. As part of this amendment, NRC granted Consolidated Edison's request to remove the requirement that Consolidated Edison receive NRC concurrence on its proposed steam generator examination program.

We recognize that the radiological seriousness of the February 15, 2000 event was very small. However, other issues raised by that event, such as the adequacy of emergency notification processes, were significant. The event also became part of a very lengthy regulatory review, resulting in significant financial consequences for the prior owner. We further recognize that the December 1998 and October 2003 exemption requests were submitted by different owners. However, the change in ownership does not change the basis for our objections.

¹ On August 5, 1998 Indian Point Unit 2 resumed operation after being in cold shutdown for 304 days.

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In addition, both Entergy's current request, dated October 21, 2003, and the NRC's associated Request for Additional Information, dated February 19, 2004, include discussion of "abnormal" wear appearing in the first cycle for the replacement steam generators. Entergy took compensatory action by plugging several tubes. We maintain that, if one cycle of operation has produced evidence of wear sufficient to cause the owner to plug new tubes in new steam generators, prudence dictates continued future inspections at regular intervals. Further, it behooves the owner to clearly establish that it has identified and corrected all problem areas, or identified where degradation is continuing, or that the wear observed was transient and has ceased.

We have also recently learned that, during the requested exemption period, Entergy intends to implement the power uprate² of 3.26% (in addition to the 1.4% already implemented). The impacts of the uprate specific to this plant and these steam generators may not be fully understood until data for a period of operation is obtained. Failure to assess the status of the steam generator tubes prior to the power uprate may result in the plant entering the next cycle of operation with undetected degradation in the steam generator tubes. The power uprate, having the potential to exacerbate degradation, could have a further impact on the steam generator tubes. The fall 2004 inspection will provide important baseline information for assessing the potential impacts of the power uprate.

We urge the NRC to reject this exemption request. The NRC should carefully consider plant history and the insufficient inspections history in its review of the request. If, in spite of our objection, the NRC does choose to approve this exemption, then the commitment made by Entergy in its exemption request to increase the steam jet air ejector sampling from once to twice a week should begin immediately upon the end of the current inspection interval instead of March 17, 2006, as proposed. We understand that the current inspection interval ends when the unit is returned to service from the fall 2004 refueling. Entergy predicts that this will occur by November 17, 2004.

Sincerely,



Peter R. Smith
President

cc: Mr. Michael R. Kansler, President, Entergy Nuclear Operations, Inc.
Mr. Patrick D. Milano, Sr. Project Manager - NRC

² Entergy Letter NL-04-005 dated January 29, 2004 Stretch Power Uprate Increase of Licensed Thermal Power (3.26%)