

October 26, 2005

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

I am responding on behalf of the U.S. Nuclear Regulatory Commission (NRC) to your letter dated September 21, 2005, concerning the Indian Point Energy Center in Buchanan, New York. You expressed concerns about recently reported leakage from the spent fuel pool (SFP) at Indian Point Unit 2 and about how information was communicated to your office and other stakeholders.

On September 1, 2005, Entergy informed the NRC that workers had identified cracks in the wall of the Indian Point Unit 2 SFP and observed a small amount of moisture along one of the cracks. The cracks were discovered as a result of an on-going excavation activity in the fuel handling building to install a higher capacity gantry crane to load and transport fuel casks in support of Entergy's Independent Spent Fuel Storage Installation project. NRC reviewed the conditions on site and then concluded that there were no near term safety issues. Specifically, an NRC structural specialist and a health physics inspector were sent to the Indian Point facility to assist the resident inspectors in monitoring the progress of Entergy's investigation. Entergy sought to characterize the situation by conducting analysis of the water samples to determine the source of the moisture. Due to the small volume of water present in the vicinity of the cracks, Entergy had difficulty obtaining a sufficient amount of water to conduct a chemical and radiological analysis. Once sufficient water accumulated, Entergy was able to complete a radioisotopic analysis, and based on the sample results, Entergy concluded that the SFP was likely leaking.

On September 19, 2005, Entergy informed the NRC that, based on analysis, the characteristics of the water collected in the vicinity of the wall cracks were consistent with SFP water. Given the current state of knowledge, the leak does not pose immediate health or safety concerns for members of the public, or adverse environmental impacts. Nonetheless, the licensee is in the process of characterizing the tritium contamination to evaluate the extent of the tritium leak. The NRC decided on September 20, 2005, to initiate a special inspection because the exact nature and extent of the condition were not completely known. The NRC also initiated a communication plan on September 20, 2005. On October 7, 2005, the inspection scope was expanded to assess information related to the discovery on October 5, 2005, of tritium contamination in an on-site monitoring well (the updated special inspection charter is enclosed). Furthermore, the NRC will pay specific attention to issues related to groundwater and drinking water. The inspection will be thorough, prompt and public.

With regard to potential contamination, soil, rock, and debris associated with the excavation work in the vicinity of the SFP wall are being monitored for contamination. Material that had the potential to be contaminated, or was contaminated, has been segregated into

special containers. Contaminated material will be disposed of as radioactive waste. When radioactive waste is removed from the site, such shipments are inspected on a sampling basis by our inspectors as part of the Reactor Oversight Process.

The NRC strives to provide accurate, timely, and complete information about the safety performance of licensees. In this instance, as information was being gathered by the licensee to determine the source of water, the NRC delayed communications until more factual and complete information could be provided to the public and elected officials. The difficulties encountered by the licensee in characterizing the source of water further delayed efforts to provide complete information. As you pointed out, the NRC should have notified the public and elected officials earlier. I strongly agree with your statement that nuclear power plant operations require an "exceedingly high level of public communication, cooperation and coordination." I can assure you that the agency is committed to strengthening its performance in this area.

As the special inspection progresses, the NRC will provide periodic updates to your office and other interested stakeholders. A web site on the NRC home page has also been developed to share information on the issue (<http://www.nrc.gov/reactors/plant-specific-items/indian-point-issues.html>). The NRC will conduct a public meeting to discuss the results of the special inspection and provide an opportunity for members of the public and elected officials to ask questions and offer comments. A copy of the special inspection report, which will be issued and made publically available within 45 days of inspection completion, will be provided to you.

I can assure you that NRC will conduct a thorough evaluation of the circumstances surrounding the spent fuel pool and tritium contamination issues and will openly share the results. Consistent with this commitment, the NRC invited two representatives of the State of New York to participate in the special inspection entrance meeting, and they have been invited to participate in the inspection. The NRC will intensify its efforts to provide accurate and timely information of this type to the public and elected officials. For the SFP and tritium issues, the NRC will provide additional and enhanced specialized inspection for as long as needed.

I hold myself and my staff accountable for the discharge of the NRC's responsibilities, including prompt and effective communications with the public and elected officials. Please contact me if you have further questions regarding this issue.

Sincerely,

/RA/

Nils J. Diaz

Enclosure:
Special Inspection Charter
Indian Point Unit No. 2 (updated)