



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

50-286

May 26, 1995

Ms. Betty Hedges
President - Rockland County
Conservation Association, Inc.
P.O. Box 213
Pomona, NY 10970

Dear Ms. Hedges:

I am responding to your letter of May 2, 1995, to Mr. Ivan Selin, Chairman of the U.S. Nuclear Regulatory Commission (NRC). In that letter you enclosed a resolution passed by the Rockland County Conservation Association, Inc., calling for the permanent closure of Indian Point Nuclear Generating Unit No. 3 (Indian Point 3). The association bases its resolution on (1) Indian Point 3's economic viability, (2) its performance history, (3) issues of both high- and low-level waste storage, and (4) the concern about evacuating residents who would be affected by an accident. Although you mention both Indian Point 3 and Indian Point 2 (owned and operated by Consolidated Edison Company of New York, Inc.) in your letter, your resolution refers specifically to Indian Point 3. Therefore, I am focusing on the issues raised in the resolution about Indian Point 3.

The NRC maintains regulatory oversight of nuclear facilities for the protection of the public health and safety. In that regard, it does not involve itself with the economic viability of a nuclear power plant. Since Indian Point 3 is owned by the State of New York, I suggest that you contact New York State and local elected officials with respect to any economic concerns you may have.

New York Power Authority (NYPA) management voluntarily shut down the plant in February 1993 to repair some hardware and to implement plant-wide programmatic improvements. These improvements were designed to correct management oversight weaknesses that were responsible for the decline in the plant's performance during the past several years. NYPA management made a commitment not to restart Indian Point 3 until NYPA implemented substantive programmatic improvements and it was satisfied with the facility's readiness to restart, and the NRC agreed.

The NRC increased its oversight and inspections at Indian Point 3 when a decline in performance became evident in early 1992. As additional issues arose, the level of NRC oversight increased accordingly. In January 1993, the NRC formed the NYPA Assessment Panel (NAP), consisting of senior NRC Headquarters and Region I personnel. The NAP is assigned to coordinate NRC inspection activities at Indian Point 3, assess and monitor the implementation of NYPA's improvement programs, and evaluate the facility's readiness for restart. To facilitate these actions, the NAP developed an Indian Point 3 Restart Action Plan (RAP). The RAP is a comprehensive document that describes

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the overall NRC restart review process and discusses specific issues that must be resolved before restart. The latest revision to the RAP was issued on March 8, 1995, and is available at the White Plains Public Library (Indian Point 3's local public document room).

Twice each year, NRC senior managers meet to evaluate the performance of each nuclear power plant. At their meeting in June 1993, they categorized Indian Point 3 as a plant requiring closer monitoring by the NRC (i.e., the plant was placed on NRC's "watchlist"). Since then, significant managerial, programmatic, and performance improvements have been observed. The NRC will continue close monitoring until Indian Point 3 demonstrates improved performance for a sustained period including operation at power.

Additionally, it might be helpful to explain the role of emergency planning and preparedness in NRC's defense-in-depth approach to ensuring adequate protection of public health and safety. Briefly stated, this safety philosophy (1) requires high quality in the design, construction, and operation of nuclear power plants to reduce the likelihood of equipment malfunction; (2) recognizes that equipment can fail and operators can make mistakes, therefore requiring safety systems to reduce the chances that malfunctions will lead to accidents that result in the release of fission products from the fuel; and (3) recognizes that in spite of these precautions, serious fuel damage accidents can happen, therefore requiring containment structures and other safety features to prevent the release of fission products off site. The feature of emergency planning added to the defense-in-depth philosophy provides that even in the unlikely event of an offsite fission product release, reasonable assurance exists that emergency protective actions can be taken to protect the population around nuclear power plants. Detailed planning is in place for the Emergency Planning Zone (EPZ) to facilitate prompt protective actions in the event of a radiological emergency at the Indian Point site.

Each nuclear power plant is required to conduct an annual exercise of its emergency plan that is evaluated by the NRC. This annual exercise can involve partial participation by State and local jurisdictions. Once every 2 years, each nuclear power plant is required to conduct a full-participation exercise that is evaluated by both the Federal Emergency Management Agency (FEMA), the lead Federal agency responsible for evaluating emergency plans for areas around nuclear power plants, and the NRC. The last full-participation exercise conducted at the Indian Point site was in June 1994. In addition, as part of NRC's restart approval process for Indian Point 3, FEMA has received periodic updates of the plant's restart readiness. The most recent update was given on May 10, 1995, and both FEMA and the NRC maintain that reasonable assurance exists that the public can be protected in the event of a radiological emergency at Indian Point.

Regarding your concern about waste storage at Indian Point 3, commercial nuclear power plants were designed with the capability to safely store both high-level waste (spent fuel) and low-level waste on site. Spent fuel can be stored in the onsite spent fuel pool storage facility until a permanent

May 26, 1995

repository has been constructed to accept the fuel for long-term storage. The Indian Point 3 facility has the capacity to store spent fuel until 2008. Under the Federal Nuclear Waste Policy Act, the U.S. Department of Energy (DOE) is responsible for ultimate management of the Nation's high-level waste and is evaluating several options, including interim storage of spent fuel. Until DOE accepts the spent fuel from licensees, the licensees are responsible for storing their spent fuel. Some NRC licensees have constructed onsite independent spent fuel storage installations using dry cask storage in accordance with Part 72, Title 10 of the Code of Federal Regulations. To date, NYPA has not indicated that it intends to pursue dry cask storage.

At the Indian Point 3 facility, only the low-level waste produced there is stored on site, not waste produced by other facilities. The onsite interim low-level waste storage facility has the capacity to store the volume of waste that would be produced over the next 10 years of plant operation. The State of New York is an Agreement State, and as such, has the authority to determine where in that State low-level waste will be permanently stored. It is actively pursuing a location for a permanent storage site for its low-level waste.

As described above, the NRC maintains a high-level of oversight at Indian Point 3. The plant remains shut down, and I can assure you that the NRC will continue to monitor NYPA's performance closely and will not agree that Indian Point 3 is ready for restart until it independently concludes that substantive improvements have been made. These substantive improvements have been verified, in part, by an NRC Restart Assessment Team Inspection (RATI), which began on April 3, 1995, lasted for 3 weeks, and was conducted by an 11-member team. The inspection results presented at the public meeting on April 27, 1995, at the Peekskill Community Center will be documented in NRC Inspection Report 50-286/95-80. When the inspection report becomes available, my staff will forward a copy to you.

I trust this information is responsive to your request. If you have any further concerns, please contact Mr. Nicola F. Conicella, the NRC's Project Manager for Indian Point 3, at (301) 415-1421.

Sincerely,



William T. Russell, Director
Office of Nuclear Reactor Regulation

cc: See next page

Power Authority of the State
of New York

cc:

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U.S. Nuclear Regulatory Commission
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Indian Point Nuclear Generating
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King of Prussia, PA 19406

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Consolidated Edison Company
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Broadway and Bleakley Avenue
Buchanan, NY 10511

repository has been constructed to accept the fuel for long-term storage. The Indian Point 3 facility has the capacity to store spent fuel until 2008. Under the Federal Nuclear Waste Policy Act, the U.S. Department of Energy (DOE) is responsible for ultimate management of the Nation's high-level waste and is evaluating several options, including interim storage of spent fuel. Until DOE accepts the spent fuel from licensees, the licensees are responsible for storing their spent fuel. Some NRC licensees have constructed onsite independent spent fuel storage installations using dry cask storage in accordance with Part 72, Title 10 of the Code of Federal Regulations. To date, NYPA has not indicated that it intends to pursue dry cask storage.

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I trust this information is responsive to your request. If you have any further concerns, please contact Mr. Nicola F. Conicella, the NRC's project manager for Indian Point 3, at (301) 415-1421.

Sincerely,
Original Signed By
WILLIAM T. RUSSELL
William T. Russell, Director
Office of Nuclear Reactor Regulation

cc: See next page

DISTRIBUTION: See attached sheet.

*see previous concurrence

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Not perhaps previous
letters can be used
as template for
responses. Also,
Keep Mike informed,
since this mentions IPZ.
Tad

Marsh-Conicella
ACTION

EDO Principal Correspondence Control

FROM: DUE: 05/26/95

EDO CONTROL: 0000335
DOC DT: 05/02/95
FINAL REPLY:

Betty Hedges
Rockland County (NY) Conservation
Association, Inc.

TO:

Chairman Selin

FOR SIGNATURE OF :

** GRN **

CRC NO: 95-0427

Russell

DESC:

RESOLUTION CALLING FOR NEW YORK POWER AUTHORITY
TO CLOSE AND DISMANTLE INDIAN POINT III

ROUTING:

Taylor
Milhoan
Thompson
Blaha
JMartin, RI
Lieberman, OE

DATE: 05/08/95

ASSIGNED TO:

CONTACT:

NRR

Russell

SPECIAL INSTRUCTIONS OR REMARKS:

NRR RECEIVED: MAY 10, 1995
NRR ACTION: DRPE:VARGA

NRR ROUTING: RUSSELL
MIRAGLIA
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DUE TO NRR DIRECTOR'S OFFICE

BY May 24, '95

DRPE rec'd: 5/15/95

OFFICE OF THE SECRETARY
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PAPER NUMBER: CRC-95-0427 LOGGING DATE: May 5 95

ACTION OFFICE: EDO

AUTHOR: BETTY HEDGES
AFFILIATION: NY (NEW YORK)

ADDRESSEE: CHAIRMAN SELIN

LETTER DATE: May 2 95 FILE CODE: IDR-5 INDIAN PT

SUBJECT: ROCKLAND COUNTY CONSERVATION ASSOCIATION, INC.
RESOLUTION CALLING FOR THE CLOSURE OF INDIAN POINT
III

ACTION: Appropriate

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SPECIAL HANDLING: NONE

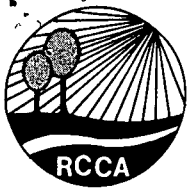
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Rockland County Conservation Association, Inc.

FOUNDED 1930

P.O. Box 213, Pomona, New York 10970

May 2, 1995

Ivan Selin, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike - Rm. 17 D 1
Rockville, Maryland 20852

Dear Mr. Selin:

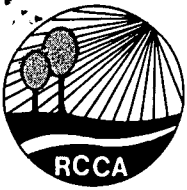
For more than twenty years, the Rockland County Conservation Association has been an active participant in hearings and meetings on Indian Point. The enclosed resolution was passed unanimously by the Board of Directors on April 18, 1995.

It is our view that any benefits from Indian Point III - or Indian Point II - are far outweighed by the risks. The first consideration must be the health, safety and welfare of the more than 250,000 people who live within ten miles of the facility.

Thank you for considering our concerns. We look forward to hearing from you.

Sincerely,

Betty Hedges
President
(914) 354-1071



Rockland County Conservation Association, Inc.

FOUNDED 1930

P.O. Box 213, Pomona, New York 10970

ROCKLAND COUNTY CONSERVATION ASSOCIATION, INC. RESOLUTION CALLING FOR THE CLOSURE OF INDIAN POINT III

WHEREAS, Indian Point III - the nuclear energy generating facility run by the New York Power Authority at Indian Point, NY - has been sited by the Nuclear Regulatory Commission and nuclear industry watch groups to be among the ten worst managed nuclear energy generation facilities in the United States, and

WHEREAS, the Nuclear Regulatory Commission has repeatedly fined Indian Point III for unsafe operating practices and non-compliance of regulations, and

WHEREAS, Indian Point III is presently shut down as a result of mismanagement and non-compliance of regulations, and

WHEREAS, we believe the plan to evacuate hundreds of thousands of residents who would be affected by a nuclear accident at Indian Point III is unrealistic and unproven, and,

WHEREAS, there is no facility to take the radioactive waste generated by Indian Point III, thereby creating a de facto high level radioactive waste disposal site of ever-increasing size, and

WHEREAS, we reject Indian Point III as a site for the storage of low level radioactive waste, and

WHEREAS, it has now been shown that Indian Point III is not an economical source for electricity, now be it,

RESOLVED, that the Rockland County Conservation Association, Inc. calls on the New York Power Authority to close and dismantle Indian Point III., and be it, further,

RESOLVED, that the Rockland County Conservation Association, Inc. supports the removal of all nuclear energy generating facilities and related appurtenances from Indian Point, NY.

4/18/95