March 29, 2016

The Honorable Kirsten Gillibrand
United States Senate
Washington, DC 20510

Dear Senator Gillibrand:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 18, 2016, in which you raised several questions related to a recent tritium leak at the Indian Point Energy Center. Let me first assure you that there is no health risk to the public or plant workers due to the increased tritium levels detected and that the quantity of radioactivity in the leak is a small fraction of the plant's authorized effluent limit.

You had asked that NRC consider whether the agency's regulatory framework could have contributed to the licensee's low prioritization of repair and maintenance of certain non-safety-related equipment. NRC regulations focus on safety-related structures, systems, and components (SSC) needed to ensure the reactor can be shut down and maintained in a safe shutdown condition, and that the plant retains the capability to prevent or mitigate consequences of accidents. The waste pumping system is not safety-related. However, even for non-safety-related SSC, licensees have to comply with applicable regulations and standards, and take corrective action when necessary, commensurate with safety significance. Further, being safety-related is not a pre-requisite for enforcement or other agency action should requirements not be met. The NRC has taken and will continue to take enforcement or other agency actions as appropriate and commensurate with the safety significance of all issues, including performance issues related to radioactive releases to groundwater.

NRC licensees have the primary responsibility for ensuring the safety of nuclear operations. The NRC is responsible for overseeing the safe operation of the plants so that the public and the environment are protected. Our onsite resident inspectors focus primarily on reactor safety in day-to-day operations, and NRC regional specialists augment those efforts by performing in-depth inspections in other program areas. The regional specialists who review radiological waste controls periodically inspect the groundwater monitoring programs at the site and independently review the licensee's sampling data.

With regard to your query about "malfunctioning equipment," a reference to the Unit 2 spent fuel building sump pump which was out of service, the licensee had established an alternative drain path that did not require the use of that pump to direct water to the waste treatment system. The cause of the leak, including the extent to which this alternative method and the out-of-service sump pump may have contributed to the leak, is under review.

In this recent instance of abnormal leakage, NRC inspectors have already performed additional structure and system walkdowns in the area of the tritium leak, and are currently conducting a more in-depth inspection of the issue. The NRC will assess causes of the leak and past performance issues to verify licensee adherence to regulatory requirements that

include effluent release limits, public dose radiation limits, and the protection of site sub-surfaces from radioactive releases.

The NRC is still investigating the current circumstances at Indian Point and monitoring licensee activities; we are not yet prepared to announce conclusions on how and why this happened and what future actions the NRC may take. We will provide our assessment in an inspection report that is expected to be issued in mid-May.

I appreciate your concern and want you to know that the NRC is taking all appropriate action to ensure this issue is fully and appropriately addressed. If you need any additional information, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Stephen G. Burns