

September 28, 2000

The Honorable Nita M. Lowey
Member, United States
House of Representatives
222 Mamaroneck Avenue, Suite 310
White Plains, New York 10605

Dear Congresswoman Lowey:

In your letter dated March 22, 2000, you joined scientific and community advocacy groups in requesting that the U.S. Nuclear Regulatory Commission ensure that the Indian Point Nuclear Generating Unit No. 2 (IP2) remain shut down until (1) all four steam generators are replaced, (2) the concerns raised in Dr. Joram Hopenfeld's differing professional opinion (DPO) regarding steam generator tube integrity are resolved, and (3) potassium iodide tablets are distributed to residents and businesses within the 10-mile emergency planning zone or are stockpiled in the vicinity of IP2. In my April 6, 2000, response to your letter, I informed you that the Union of Concerned Scientists, the Nuclear Information and Resource Service, the PACE Law School Energy Project, and Public Citizen's Critical Mass Energy Project filed a Petition pursuant to 10 CFR 2.206 requesting that the NRC issue an order preventing IP2 from restarting until the three issues you mentioned are resolved. I also indicated that I would keep you informed of the status of the NRC staff's review of the Petition.

On August 9, 2000, the Consolidated Edison Company of New York, Inc. (ConEd), announced that it would replace the steam generators at IP2 before the unit is restarted. The steam generator replacement must be conducted in accordance with NRC's requirements and will be subject to our inspection.

The Director of the Office of Nuclear Reactor Regulation has informed the Petitioners that their request that IP2 not be allowed to restart until the issues raised in Dr. Hopenfeld's DPO are resolved does not meet the standards for review under 10 CFR 2.206. The concerns that Dr. Hopenfeld raised are not specific to IP2 and are being reviewed under the NRC's DPO process. The DPO process provides a mechanism for the review of the concerns of employees who disagree with a formal staff position. On July 20, 2000, the NRC's Executive Director for Operations (EDO) requested that the Advisory Committee on Reactor Safeguards (ACRS) serve as the equivalent of an ad hoc DPO panel. An ACRS subcommittee is scheduled to meet October 10-13, 2000, to begin its review of Dr. Hopenfeld's DPO. This meeting will be open to public observation.

On June 29, 2000, the Petitioners supplemented their original Petition by requesting that the NRC prevent IP2 from restarting until ConEd conducts a full-participation emergency preparedness (EP) exercise in accordance with Appendix E to 10 CFR Part 50; they further asked that the NRC require ConEd to continue to conduct such exercises every 2 years. These issues, as well as the request that IP2 not be allowed to restart until potassium iodide is provided to residents or stockpiled in the vicinity of the plant, continue to be reviewed. A copy

The Honorable Nita M. Lowey

- 2 -

of the decision regarding the petition will be provided to you when it is available. The decision will be issued before restart of IP2.

Sincerely,

/RA/

Richard A. Meserve