

Mr. David Lochbaum
Union of Concerned Scientists
1616 P St. NW., Suite 310
Washington, DC 20036-1495

March 31, 2000

SUBJECT: PETITION PURSUANT TO 10 CFR 2.206 - INDIAN POINT NUCLEAR
GENERATING UNIT 2 (TAC NO. MA8449)

Dear Mr. Lochbaum:

I am responding to your letter of March 22, 2000, and to your e-mail to Ms. Suzanne Black of my staff, dated March 27, 2000. In your March 22, 2000, letter, you requested that Dr. Joram Hopenfeld attend our public meeting on April 7, 2000, and that he participate in the discussion about the technical concerns relating to steam generator tube integrity that he has documented through the U.S. Nuclear Regulatory Commission's (NRC's) differing professional opinion (DPO) process.

The DPO process provides for the review of concerns raised by individual NRC employees who disagree with a position adopted by the NRC staff. Our understanding of Dr. Hopenfeld's DPO is that it is not specific to Indian Point Unit 2 (IP2). The staff has reviewed Dr. Hopenfeld's DPO and finds that it raises no immediate safety concerns, nor have you provided any specific information that ties the IP2 steam generator tube failure to the specific concerns discussed in Dr. Hopenfeld's DPO. In any event, if Dr. Hopenfeld determines that the recent event at IP2 is pertinent to his DPO, the process allows him to supplement that DPO or to submit a separate DPO.

The purpose of the April 7, 2000, public meeting is to provide an opportunity for the Petitioners and the licensee to provide additional information and clarifications relevant to IP2 concerning the 10 CFR 2.206 Petition submitted on March 14, 2000. The Petition requested that the NRC order IP2 to remain shutdown until the steam generators are replaced and other issues are resolved. If you believe that Dr. Hopenfeld's DPO is pertinent to your Petition, you may present information to this effect at the public meeting. If you currently have such information, we would appreciate your providing it to us in writing as soon as possible to facilitate our evaluation.

Regarding your request that Dr. Hopenfeld attend our public meeting on April 7, 2000, and that he discuss his technical concerns about steam generator tube integrity, any person, including an NRC employee with approval of their supervisor, may attend our public meetings. However, as indicated above, the purpose of this meeting is to collect information directly relevant to IP2. As such, meeting discussions will not focus on the generic technical concerns documented in Dr. Hopenfeld's DPO, as they are already being addressed in a separate process which has provided an opportunity for public comment. To that extent, the NRC solicited public comments on the generic technical concerns in the DPO and on the NRC's consideration of the DPO through other formal public vehicles, including placing a request for public comments on these documents in the Federal Register (Vol. 64, No. 12, pages 3138-3139) on January 20, 1999.

Public comments on this matter were requested by June 30, 1999. Therefore, the generic technical concerns of the DPO will not be discussed at this meeting, except to the extent that the Petitioners provide significant new information relating to IP2 that has direct relevance to, or bearing on, the issues in the DPO.

In your March 27 e-mail, you requested that we provide you with written responses to the following questions:

1. When will the NRC staff share any information that the Union of Concerned Scientists (UCS) provides with Consolidated Edison Company of New York (Con Ed)?
2. If the NRC staff provides Con Ed with material UCS submits before April 7, 2000, will the NRC staff provide the Petitioners material it receives from Con Ed before April 7, 2000?

In response to these issues, the NRC staff will make every effort to ensure information received from the licensee or your organization is placed in the Public Document Room and the ADAMS Public Library component on the NRC web site, <http://www.nrc.gov> (the Electronic Reading Room) as quickly as possible. Further, any documents docketed by IP2 will be forwarded to you by facsimile and/or by the mail system.

I trust that this letter has adequately answered your questions.

Sincerely,

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Docket No. 50-247

cc: See next page

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/RA/
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 Office of Nuclear Reactor Regulation

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