

January 18, 2001

Mr. Andrew J. Spano  
County Executive  
Westchester County  
Michaelian Office Building  
White Plains, NY 10601

Dear Mr. Spano:

This letter follows up on our conversations of January 15 and 17, as well as the visit to your Westchester offices by Mr. Brian Holian of my staff on January 16. A response to your letter of January 3 to Nuclear Regulatory Commission Chairman Richard A. Meserve should be issued to you shortly.

As you and I have discussed, several recent news reports have created misimpressions about the nature and extent of Nuclear Regulatory Commission oversight at the Indian Point 2 nuclear power plant in Buchanan, N. Y.

Under our Reactor Oversight Program, Indian Point 2 is receiving heightened oversight by the NRC due to performance issues at the plant. Over the past year, for example, it has received nearly double the amount of inspection that a normal plant would receive. Recently, we have been inspecting the plant's start-up. While some performance issues have continued to emerge, Consolidated Edison has appropriately addressed these issues, overall, and we continue to find the plant is operating safely.

NRC establishes regulations for the design, construction and operation of nuclear reactors. These regulations provide for "defense-in-depth" designs and ample safety margins. For example, recognizing that equipment problems and personnel errors can occur, our regulations require significant redundancy in plant safety systems and quality assurance controls. Companies licensed by NRC to operate nuclear power plants, such as Consolidated Edison, are directly responsible for designing, constructing, testing, and operating their facilities in conformance with these safety regulations. NRC, through its licensing and inspection programs, assures that licensees meet these responsibilities.

Our inspection program is carried out by a combination of on-site "resident" inspectors and region-based specialists who have unfettered access to plant activities and records. Inspections focus on those aspects of operations that pose greatest potential risk to the public. The NRC inspection program assesses, through scrutiny of carefully selected samples, whether activities are properly conducted and equipment is properly maintained to ensure safe operations.

Technical Specifications which are issued as part of the NRC license spell out detailed safety criteria and conditions for plant operation. When these conditions are not met, Technical Specifications require specific licensee actions, including shutting a plant down within specified time frames when this is necessary to maintain safety margins. More generally, NRC has full

authority to take whatever action is necessary to protect public health and safety and may demand immediate licensee actions, up to and including shutting a plant down. As indicated above and as I have discussed with you, there is no indication that such action is needed.

NRC has had a strong regulatory posture toward Indian Point 2 for several years because of ongoing performance issues at the plant. We have worked hard to keep the public informed of our activities through, for example, issuance of inspection reports, numerous public meetings, and establishment of a website ([www.nrc.gov/NRC/REACTOR/IP/index.html](http://www.nrc.gov/NRC/REACTOR/IP/index.html)) dealing specifically with Indian Point 2. The attached report, which was issued before restart of the plant, is an illustration.

I want to assure you we will continue to monitor activities at the site very closely. If the company is not complying with NRC requirements or not maintaining safe operations, we will take appropriate action. Additionally, we will keep your office informed of the results of the ongoing special team inspection at Indian Point 2. Should you have any further concerns, please contact me.

Sincerely,

/RA/

Hubert J. Miller  
Regional Administrator

Enclosure:  
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dtd 12/22/00

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