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OFFICE OF SECRETARY
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May 18, 1995

Mr. James Taylor
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Taylor:

This is a request, pursuant to Sections 2.202 and 2.206 of Title 10 of the Code of Federal Regulations, for the Nuclear Regulatory Commission to suspend temporarily the operating licenses of Indian Point Unit 2 and Indian Point Unit 3 until all actions required by NRC Generic Letter 95-03 have been completed.

We also request that the NRC conduct a public meeting in the evening and in the vicinity of the plants to explain its response to this request. If the request is granted in whole or in part, the NRC should explain, prior to restart, why the licensees' actions taken in response to this request are an adequate response to the requirements of Generic Letter 95-03. If this request is denied, the NRC should explain the bases for that denial to the people whose health and safety will be at risk.

NRC's Generic Letter 95-03, "Circumferential Cracking of Steam Generator Tubes," requires, in part, that the licensees of Indian Point Unit 2 and Indian Point Unit 3 perform comprehensive examinations of the steam generator tubes using techniques and equipment capable of reliably detecting degradation to which the steam generator tubes may be susceptible. However, NRC's Generic Letter 95-03 appears to envision postponing the inspections using enhanced techniques until the next scheduled steam generator tube inspections. We believe that such a delay would constitute an undue risk to public health and safety.

Indian Point Unit 2 is presently in a refueling outage. Indian Point Unit 3 has been shut down since February, 1995, and is subject to the terms of an NRC Confirmatory Action Letter governing the resumption of operation. However, our request for an order to suspend the operating license of each plant is not dependent on the plants being in a shut down condition. We believe that there is no valid technical or legal basis for the NRC to permit the licensees to postpone the required inspections of the steam generator tubes.

WESPAC Westchester People's Action Coalition

P.O. Box 488, 255 Grove Street, White Plains, NY 10601. Tel. 914-682-0488. Fax 914-682-9499.

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Westchester People's Action Coalition (WESPAC) is a peace and justice coalition in White Plains, New York, just fifteen miles from Indian Point. We speak on behalf of approximately 5,000 families, the great majority of whom live in the shadow of any major disaster which might occur there. Ever since 1974, WESPAC has been in the forefront of the effort to close the two power plants. In 1979, WESPAC joined with the Union of Concerned Scientists and NYPIRG in a legal action to close Indian Point pending an analysis by the government of the potential consequences of a major accident since, if one occurred, it could immediately affect 10% of the population of the United States living within a 60 mile radius of the plants. Although the NRC did not rule in our favor, WESPAC's efforts have been continuous, active and principled and we intend to continue our struggle to close the Indian Point plants because they are unsafe, unnecessary and produce radioactive waste that cannot be isolated from the environment for the tens of thousands of years necessary. Until we are successful, we expect the NRC to ensure that the risk to the public is minimized. Postponing the required steam generator tube inspections would be inconsistent with the NRC's responsibility to provide reasonable assurance of no undue risk to public health and safety.

WESPAC is joined in this request by Paul Clarke on behalf of Grenpeace, New York, Barbara Hickernell on behalf of The Alliance to Close Indian Point, Eco-Action, Westchester, and Marni Matz and Jordan Fink, both students residing in South Salem and Chappaqua which are approximately ten miles from Indian Point.

The NRC's concern with the degradation of steam generator tubing was summarized in 1988 by Commissioner Kenneth C. Rogers in a speech to an international symposium. He stated:

"We have been particularly concerned about common mode failures. For example, several forms of aging degradation of steam generator tubing have been identified. The concern is not a single tube leaking or even failing. The concern is with sudden multiple tube failures-- common mode failures. For example, such failures could come about by having essentially uniform degradation of the tubes. Degradation would decrease the safety margins so that, in essence, we have a 'loaded gun', an accident waiting to happen. Under those conditions, a pressure transient or a seismic event could rupture many tubes simultaneously. That could allow primary coolant to enter the secondary system and the resulting high pressure to lift the relief valves that are outside containment on the steam line, thus permitting primary water to bypass containment and communicate with the atmosphere directly, resulting in a LOCA." (NRC release #5-9-88)

The NRC's statements in Generic Letter 95-03 confirm that Commissioner Rogers was correct in referring to "a 'loaded gun,' an accident waiting to happen." However, the passage of time has revealed that other statements by Commissioner Rogers were incorrect. He went on to state in that same speech:

"Fortunately, there are a variety of measures that can be taken to 'manage' aging. By managing aging, I mean predicting or detecting when a component or system has degraded to the point where it becomes a potential safety hazard, and taking appropriate corrective measures."

Commissioner Rogers further claimed that monitoring of water chemistry to minimize the potential for corrosion and cracking and periodic inspections such as eddy current testing of steam generator tubes would be adequate to "manage" aging. Unfortunately, as Generic Letter 95-03 explains, "managing" the deterioration of steam generator tubes has been woefully inadequate.

The immediate impetus for Generic Letter 95-03 came from the recent and surprising discovery that circumferential cracks in the steam generator tubes at Maine Yankee Atomic Power Station had gone undetected for years because of the use of standard, but now known to be inadequate, testing procedures. The letter revealed that three tubes (which presumably had escaped detection by the standard method) were identified by an enhanced technique and had maximum circumferential crack depths of 45, 37 and 57%. But, as the Generic Letter notes, NRC does not permit plant operation with circumferential cracks regardless of their depth.

Testing is serious and difficult business subject to many factors. As the Generic Letter notes:

"These factors can be both plant specific and generic. They include, but are not limited to, the scope of the inspection, the nondestructive examination methods used for the inspection (e.g. probes, instruments, and hardware) including the plant specific factors that may affect the sensitivity of the techniques, the equipment setups for these techniques, the analysis of the nondestructive examination data, the data analyst training and performance demonstration program, and the methods used to minimize interfering signals."

And when detected:

"Tubes with circumferential cracks [of any depth] are removed from service... due, in part, to (1) the inability to reliably size these indications, (2) the threshold of detection for circumferential indications, and (3) the inability to reliably predict crack growth rates."

In sum:

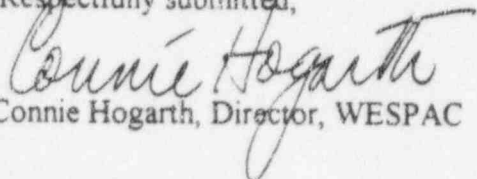
"...since tube ruptures represent a failure of one of the principal fission product boundaries and present a pathway for primary system activity release to the environment bypassing containment, all reasonable precautions should be taken to prevent such an occurrence."

There is therefore no benefit to postponing the NRC required actions until the next scheduled outages which would outweigh the risk of a severe core melt accident in the New York metropolitan area. It may be inconvenient and slightly more expensive for Con Ed and NYPA to complete the actions now rather than later, but any inconvenience or expense to licensees is not permitted to interfere with the NRC's responsibility to ensure adequate protection for the health and safety of the public.

For all the reasons stated above and based on the NRC's statements in Generic Letter 95-03, we request that the Nuclear Regulatory Commission temporarily suspend the operating licenses of Indian Point Unit 2 and Indian Point Unit 3 until all actions required by NRC Generic Letter 95-03 have been completed. We also request that the NRC conduct a public meeting in the evening and in the vicinity of the plants to explain its response to this request. If the request is granted in

whole or in part, the NRC should explain, prior to restart, why the licensees' actions taken in response to this request are an adequate response to the requirements of Generic letter 95-03. If this request is denied, the NRC should explain the bases for that denial to the people whose health and safety will be at risk.

Respectfully submitted,


Connie Hogarth, Director, WESPAC



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 16, 1995

DOCKETED
USNRC

'96 JUN 11 A10:02

Ms. Connie Hogarth
Westchester People's Action Coalition
255 Grove Street
P.O. Box 488
White Plains, NY 10601

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Ms. Hogarth:

This letter acknowledges receipt of your request of May 18, 1995, pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206), for the U. S. Nuclear Regulatory Commission (NRC) to suspend the operating licenses of Indian Point Units 2 and 3 until completion of the actions requested in Generic Letter (GL) 95-03, "Circumferential Cracking of Steam Generator Tubes," and for NRC to hold a public meeting to explain its response to the suspension request.

In your request, you point out that the impetus for GL 95-03 was the discovery of cracks in steam generator tubes at the Maine Yankee plant that had not previously been detected because of inadequate testing procedures. Further, you state that although the GL calls for comprehensive examinations of steam generator tubes, it appears to permit licensees to postpone the evaluations until the next scheduled inspections. On the basis that testing for cracks in steam generator tubes is both difficult and serious, in that a tube rupture could result in a radiological release from the primary system to the environment, you conclude that the additional time and expense resulting from completing the requested actions now rather than at the next scheduled inspections are outweighed by the risk of a severe core-melt accident in the New York metropolitan area.

Regarding your request for a public meeting, you ask that if the request is granted, in whole or in part, the NRC should explain, before restart of the unit, why the licensees' actions are considered adequate to address these concerns. If the request is denied, you ask that the NRC explain the bases for the denial to the people who live in the vicinity of the plant. Accordingly, you ask that the meeting be conducted during the evening in the vicinity of the plants.

Your request for immediate suspension of the operating licenses of Indian Point Units 2 and 3 until completion of the actions set forth in GL 95-03 is denied. We have concluded that restart and continued operation of these units until the staff reviews the information requested by GL 95-03 poses no undue risk to public health and safety. This finding reflects, in part, an NRC study in NUREG-Q844, "NRC Integrated Program for the Resolution of Unresolved Safety Issues A-3, A-4, and A-5 Regarding Steam Generator Tube Integrity," that shows steam generator tube rupture events that involve single and multiple tube ruptures to have low risk. This finding also reflects the accumulating evidence from pulled tube examinations, liquid penetrant examinations, advanced eddy current probe inspections, and in situ pressure tests that suggests that tubes with circumferential cracks exhibit strength beyond that indicated by the motorized rotating pancake coil (MRPC) probe

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inspections. The discontinuous nature of circumferential cracks results in ligaments of sound material between crack segments that are not detectable by the MRPC and that add significantly to the strength of the cracked section of tubing. In situ pressure testing of the most severely degraded tubes at Maine Yankee indicates that the tubes would not have ruptured even under postulated accident conditions. In addition, operational limits are placed on allowable primary-to-secondary leakage to ensure that if cracks go undetected and eventually leak, the plant will be able to shut down before a rupture occurs. Also, each plant has emergency operating procedures (EOPs) in place to mitigate events involving rupture of one or more tubes. It should be noted that Indian Point 2 conducted a 100 percent inspection of the steam generator tube areas of concern during the refueling outage that just ended in May 1995 using an advanced inspection probe design. As a result, minor indications were observed and only two steam generator tubes (out of approximately 12000) had to be removed from service. Indian Point 3 has recently replaced all four steam generators with generators specifically designed and fabricated to reduce the possibility of corrosion-related problems.

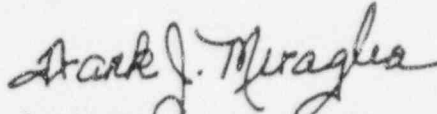
GL 95-03 requests licensees of pressurized-water reactors to submit safety assessments justifying continued operation until the next scheduled tube inspections are performed and to present inspection plans pertaining to circumferential cracking. The receipt and review of this information provided by all licensees of pressurized-water reactors will take time, and, based on the above, requiring the Indian Point units to remain in a shutdown condition during this period is not necessary to protect public health and safety.

Your request for a public meeting at which the NRC can explain the denial of your request to immediately suspend the operating licenses of Indian Point Units 2 and 3 is also denied because our assessment of risk associated with steam generator tube rupture events has already been articulated in public documents such as GL 95-03 and NUREG-0844, as well as in this letter. A public meeting was recently held in April 1995 at the Peekskill Public Library where an opportunity was presented to discuss various issues with NRC management. Although there may be benefit in conducting another public meeting to discuss the specific topic of your petition, the NRC has limited resources and this is a significant factor that must be considered when scheduling any public meeting. However, a public meeting between the New York Power Authority and the NRC staff will be held in the vicinity of the Indian Point site shortly after Indian Point 3 restarts and achieves 100 percent power. Although the primary purpose of this meeting is to discuss Indian Point 3 plant and staff performance during the power ascension process, it will be followed by a question and answer session where the public will have an opportunity to discuss the topic of your petition with the NRC managers in attendance. You will be notified of the details of this meeting once they are finalized.

June 16, 1995

Your request has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by that regulation, action will be taken on your request within a reasonable time. I have enclosed for your information a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,



for William T. Russell, Director
Office of Nuclear Reactor Regulation

Enclosure: Federal Register Notice

cc w/encl: See next page

Stephen E. Quinn
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Indian Point Nuclear Generating
Station Units 1/2

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UNITED STATES NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-247 and 50-286

CONSOLIDATED EDISON COMPANY OF NEW YORK
POWER AUTHORITY OF THE STATE OF NEW YORK

RECEIPT OF PETITION FOR DIRECTOR'S DECISION UNDER 10 CFR 2.206

Notice is hereby given that by a Petition dated May 18, 1995, the Westchester People's Action Coalition (WESPAC) requests that the U.S. Nuclear Regulatory Commission (NRC) suspend the operating licenses of Indian Point Units 2 and 3 until completion of all the actions requested in NRC Generic Letter (GL) 95-03 "Circumferential Cracking of Steam Generator Tubes." WESPAC also asks that the NRC hold a public meeting to explain its response to the suspension request.

As the basis for this request, WESPAC notes that the NRC has issued GL 95-03 in response to the discovery of previously undetected steam generator tube cracks at the Maine Yankee plant. WESPAC further notes that although the GL calls for comprehensive examinations of steam generator tubes, it apparently permits licensees to postpone the examinations until the next scheduled steam generator tube inspections. On the basis that testing for cracks in steam generator tubes is both difficult and serious, in that a tube rupture could result in a radiological release from the primary system to the environment, WESPAC concludes that the additional time and expense resulting from completing the actions outlined in the GL now rather than at the next scheduled outages at Indian Point are outweighed by the risk of a core-melt accident.

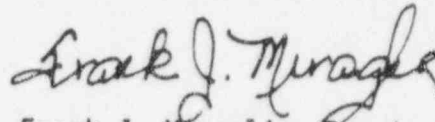
WESPAC's requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The Petition has been referred to the Director of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate

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action will be taken on this Petition within a reasonable time. By letter dated June 16, 1995, the Director denied Petitioner's request for immediate suspension of the Indian Point operating licenses.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20001.

FOR THE NUCLEAR REGULATORY COMMISSION



Frank J. Miraglia, Deputy Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 16th day of June 1995.

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