

EDO Principal Correspondence Control

FROM: DUE: 02/04/04

EDO CONTROL: G20040043
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FINAL REPLY:

Senator Hillary Rodham Clinton

TO:

Chairman Daiz

FOR SIGNATURE OF :

** PRI **

CRC NO: 04-0032

Chairman Diaz

DESC:

Special Inspection Report Regarding Indian Point
and the Dirty Bomb Prevention Act

ROUTING:

Travers
Norry
Paperiello
Kane
Collins
Dean
Burns
Virgilio, NMSS
Miller, RI
Dyer, NRR
Lohaus, STP
Cyr, OGC
Rathbun, OCA

DATE: 01/23/04

ASSIGNED TO:

CONTACT:

NSIR

Zimmerman

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with NMSS (Dirty Bomb Act) and
Region I (IP).

Template: SECY-017

E-RIDS: SECY-01

HILLARY RODHAM CLINTON
NEW YORK
SENATOR

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United States Senate
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4229

CHAIRMAN REC'D
04 JAN 22 PH 5:42

January 22, 2004

Nils J. Diaz, Ph.D.
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Dr. Diaz:

The mission of the Nuclear Regulatory Commission (NRC) is to protect the public health and safety, and the environment from the effects of radiation from nuclear reactors, materials, and waste facilities. This has always been an important mission, but it has become ever more vital in the wake of the September 11 terrorist attacks. In the post-September 11 environment, the public expects the NRC to demonstrate a heightened level of oversight of both plant operations and plant security – particularly at plants such as Indian Point, which is located in the highly-populated New York metropolitan area.

In this light, I was disturbed by the findings of the NRC's December 22, 2003 Special Inspection Report regarding the Indian Point Nuclear Generating Center. The purpose of Special Inspection was to investigate the excessive number of unplanned shutdowns that have occurred at Indian Point during the last 18 months. In addition to findings about these unplanned shutdowns, the report discusses failures of backup generators at Indian Point during the August 14, 2003 blackout.

The report notes that backup diesel generators at both Indian Point 2 and Indian Point 3 failed to operate after the blackout. The purpose of these generators is to power emergency response equipment, and the report indicates that some of this emergency response equipment had to be shut down as a result. This finding is particularly troublesome because the report indicates that the failures were avoidable. Indeed, the report shows that problems with the generators had been identified in April 2003 at Indian Point 3 and in February 2000 at Indian Point 2. Yet these problems went unaddressed until the August 2003 blackout.

The report concludes that in both cases, Entergy did not address the problems in a timely manner, but this conclusion does not address what the NRC did or should have required of Entergy. In short, I fail to understand why the NRC did not require swifter action by Entergy to correct these problems after they were identified. I ask that you please provide my office with all NRC documents related to the identification and correction of deficiencies at the backup generators, as well as the current timeline for completing corrective action.

In addition, I would like to ask for your assistance in addressing another critical component of the NRC mission: the control of nuclear materials that could be used to create a dirty bomb. I understand that the NRC receives approximately 300 reports per year of small amounts of radioactive materials missing from various sources. Recent press reports underscore the fact that dirty bombs remain a pressing homeland security concern, and that government experts have been working undercover in major cities, including New York City, to find dirty bombs and nuclear materials that might be used to create them.

As a result, I believe it is more urgent than ever that you work with Congress to pass the *Dirty Bomb Prevention Act*. This bill, which I introduced last year, would increase the NRC's authority to ensure the proper tracking, recovery and storage of the radioactive materials that could be used to create a dirty bomb.

I thank you for your prompt attention to these issues, and for your continuing work to protect the health and safety of the people of New York.

Sincerely yours,

A handwritten signature in black ink that reads "Hillary Rodham Clinton". The signature is written in a cursive, flowing style.

Hillary Rodham Clinton