

EDO Principal Correspondence Control

FROM: DUE: 02/21/06

EDO CONTROL: G20060133  
DOC DT: 02/07/06  
FINAL REPLY:

Representative Sue Kelly

TO:

Chairman Diaz

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 06-0069

Chairman Diaz

DESC:

ROUTING:

Independent Safety Assessment of Indian Point

Reyes  
Virgilio  
Kane  
Silber  
Dean  
Cyr/Burns  
Dyer, NRR  
Zimmerman, NSIR  
Schmidt, OCA

DATE: 02/08/06

ASSIGNED TO:

CONTACT:

RI

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with NRR.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

Date Printed: Feb 08, 2006 09:14

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**PAPER NUMBER:** LTR-06-0069 **LOGGING DATE:** 02/08/2006  
**ACTION OFFICE:** EDO  
  
**AUTHOR:** REP Sue Kelly  
**AFFILIATION:** CONG  
**ADDRESSEE:** Nils Diaz  
**SUBJECT:** Independent Safety Assessment (ISA) of the Indain Point Energy Center  
  
**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF, OCA to Ack  
  
**LETTER DATE:** 02/07/2006  
**ACKNOWLEDGED** No  
**SPECIAL HANDLING:**  
**NOTES:** Commission Correspondence  
**FILE LOCATION:** ADAMS  
**DATE DUE:** 2/23/06 **DATE SIGNED:**

EDO --G20060133

SUE W. KELLY

19TH DISTRICT, NEW YORK

COMMITTEE ON FINANCIAL SERVICES, VICE CHAIR

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SUBCOMMITTEE ON TAX, FINANCE AND EXPORTS

ASSISTANT MAJORITY WHIP

**Congress of the United States  
House of Representatives  
Washington, DC 20515-3219**

February 7, 2006

- PLEASE REPLY TO:
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(202) 225-5441
  - 21 OLD MAIN STREET, ROOM #107  
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(845) 887-5200
  - ORANGE COUNTY GOVERNMENT CENTER  
255 MAIN STREET, 3RD FLOOR  
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  - 2025 CROMFORD ROAD  
YORKTOWN HEIGHTS, NEW YORK 10598  
(914) 962-0761

The Honorable Dr. Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20006

Dear Chairman Diaz,

My purpose in writing is to request the Nuclear Regulatory Commission conduct an Independent Safety Assessment (ISA) of the Indian Point Energy Center in Buchanan, New York.

As you well know, the security and safe operation of Indian Point is an issue of great importance to my constituents and many others in nearby communities. I sincerely appreciate your efforts to respond to concerns on this matter. Nevertheless, I believe that the NRC still has a profound credibility problem which prevents many from placing the appropriate level of confidence in the Commission's oversight of Indian Point. Many, myself included, still recall the NRC Inspector General's revelations detailing the lax NRC oversight which contributed to the steam generator tube failure in 2000. We still remember how the NRC refused for months to compel Con Ed to replace the faulty steam generators despite the IG's deeply troubling revelations about weak NRC oversight.

Six years later, the NRC's credibility gap with many constituents has not been repaired. Recent examples may help explain why. As you know, the response by the NRC and Entergy to concerns articulated by an experienced employee about IP2's cable and raceway separation system raised serious questions about both plant operations and about the way that employee concerns are resolved. And I am certainly not the only official who has expressed concern and disappointment with the NRC's initial handling of the ongoing spent fuel pool leak. These concerns are exacerbated by recent revelations that the NRC has discontinued reviewing the Inservice Inspection summary reports that plant owners are required to provide to the Commission. This decision only reminds those of us in the Hudson Valley about the steam generator tube failure in 2000. As you'll recall, the NRC IG found that examinations which would have indicated the likelihood of a leak were ignored by the NRC.

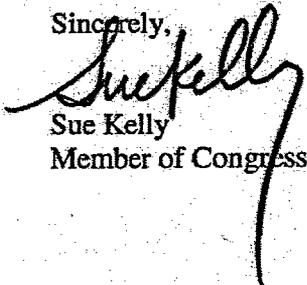
I have expressed my concerns to you directly in the past and restated them to NRC officials who escorted David Lochbaum of the Union of Concerned Scientists and I through the plant in January. Though the steps Entergy has taken to address safety and security concerns at the plant are encouraging, I believe an independent and thorough safety assessment of Indian Point is a necessary step to ensuring the plant's safe operations and to improving public confidence.

As you recall, the NRC established an Independent Safety Assessment (ISA) team in 1996 to conduct a comprehensive horizontal and vertical review of the Maine Yankee plant. The formation of such an ISA team for Indian Point would help us make certain that problems are identified proactively in order to prevent any emergency or potentially disastrous event from occurring at Indian Point. As with Maine Yankee, an ISA for Indian Point should be monitored by outside experts and local officials.

Such an action may help restore the public's confidence in the NRC's oversight, and will certainly better assure the safety of the plant's operations. I strongly encourage you to establish an ISA of Indian Point without delay.

I remain appreciative of your willingness to listen to my concerns and am committed to working with you to resolve these issues and improve the security and safe operations at Indian Point.

Sincerely,

A handwritten signature in cursive script that reads "Sue Kelly". The signature is written in dark ink and is positioned above the printed name and title.

Sue Kelly  
Member of Congress