

March 28, 2006

The Honorable Hillary Rodham Clinton  
United States Senate  
Washington, D.C. 20515

Dear Senator Clinton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your request during the hearing of the Senate Environment and Public Works Committee, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, on March 9, 2006, for an independent safety assessment to be conducted of the Indian Point Energy Center, which is operated by Entergy Nuclear Operations, Inc. The Commission understands your desire for independent, thorough, and objective inspections. The NRC is an independent regulatory agency and our established inspection and assessment processes are independent, thorough, and objective.

As explained at the hearing, the inspections and assessments carried out through the NRC's current Reactor Oversight Process (ROP), now in its seventh year of implementation, have been greatly enhanced, in part, by incorporating the insights gained from past inspections and assessments, such as the assessment performed at Maine Yankee in 1996. The Maine Yankee Independent Safety Assessment (ISA) was a unique, one-time review, and the Commission does not believe that an effort to replicate a "Maine Yankee" ISA is warranted.

The ROP inspection plan now includes the performance of an extensive engineering team inspection at each reactor facility every two years. Recently, the engineering team inspection effort was significantly enhanced to provide for a more effective review of the plant design and operational configuration of components that are important to safety. The engineering team inspection is performed by a multi-disciplinary team consisting of NRC inspectors as well as outside contractors and is scheduled to be performed at both Indian Point Units 2 and 3 in 2007. The NRC inspects Indian Point Units 2 and 3 separately, in effect doubling inspection scrutiny for key inspections such as this engineering inspection. For each unit, the inspection is expected to last seven weeks, including four weeks of on-site time, and involve approximately 700 hours of direct inspection effort. As with all NRC inspections at Indian Point, representatives from the New York State government are welcome to observe or participate. In performing this inspection, the NRC staff will use operating experience, risk assessment, and engineering analysis to select safety-significant components and operator actions to verify that the selected components are capable of performing their intended safety function and that operating procedures are consistent with the design and licensing bases. The combination of the risk-informed overall baseline inspections with the improved engineering-focused inspection provides a more safety-focused review of significant plant components. This improved engineering team inspection was pilot-tested at four sites, including Vermont Yankee in the Fall of 2004, and proved to be an excellent inspection process.

In addition, the NRC resident inspectors for Indian Point conduct routine inspections on a continuing basis. NRC regulations and oversight process focus on ensuring nuclear safety and security across seven "corner stone" areas, including emergency planning. Under our current ROP, NRC resident inspectors and regional specialists with specific areas of expertise routinely sample and evaluate the work performed by Entergy's engineering organization to determine whether engineering analyses adequately support safe operation.

The Commission believes that the current increased level of oversight at Indian Point is appropriate and that the scope and depth of the ROP inspection activities, including the enhanced engineering team inspections, are superior to the processes in place at the time the decision to conduct the Maine Yankee assessment was made. Based on this, we believe that the performance of this inspection regimen will effectively accomplish the intent and objectives of the assessment you discussed at the meeting. If you have further questions or would like a briefing on these issues, please contact me.

Sincerely,

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Nils J. Diaz