

EDO Principal Correspondence Control

FROM: DUE: 04/12/06 EDO CONTROL: G20060352  
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FINAL REPLY:

Senator Joseph I. Lieberman

TO:

Chairman Diaz

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 06-0169

Chairman Diaz

DESC: ROUTING:

Independent Safety Assessment at Indian Point  
(Richard Blumental)

Reyes  
Virgilio  
Kane  
Silber  
Dean  
Cyr/Burns  
Dyer, NRR  
Collins, RI  
Schmidt, OCA

DATE: 03/31/06

ASSIGNED TO: CONTACT:

EDO Sosa

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20060240.

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OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

AUTHOR: REP Joseph Lieberman

AFFILIATION: CONG

ADDRESSEE: CHRM Nils Diaz

SUBJECT: Safety of the Indian Point nuclear generating facility

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 03/15/2006

ACKNOWLEDGED No

SPECIAL HANDLING: Commission Correspondence

NOTES:

FILE LOCATION: ADAMS

DATE DUE:

4/14/06  
~~04/13/2006~~

DATE SIGNED:

EDO --G20060352

# United States Senate

WASHINGTON, DC 20510

March 15, 2006

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

Dear Chairman Diaz,

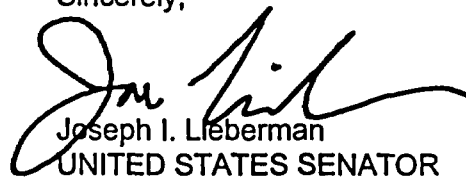
I am forwarding the attached letter to me from Connecticut Attorney General Blumenthal in which he raises serious concerns about the safety of the Indian Point Nuclear Generating Facility.

In his letter, the Attorney General requests legislation directing the NRC to conduct an Independent Safety Assessment (ISA) at Indian Point. My understanding is that the NRC conducted an ISA at Maine Yankee in 1996, in response to a specific set of developments connected with the facility's then pending "uprate" application and allegations of misconduct made at the time.

I write seeking your response to : 1) whether the legal situation has changed, such that the NRC now requires additional legal authority in order to be able to conduct such an inspection; 2) whether the NRC has received a request from the State of New York, the State of Connecticut or other interested parties for an ISA, and has acted to decline such a request; 3) whether neighboring states, under current law and regulation, are able to petition for the conduct of an ISA at Indian Point; and, 4) whether an analysis by NRC of whether an ISA, such as that performed at Maine Yankee, is an appropriate mechanism to examine the safety issues raised in the Attorney General's letter.

Please give full and fair consideration to the Attorney General's request for an ISA. I would like to receive a copy of your response.

Sincerely,



Joseph I. Lieberman  
UNITED STATES SENATOR

enclosure

## State of Connecticut

RICHARD BLUMENTHAL  
ATTORNEY GENERAL



Hartford

January 26, 2006

The Honorable Joseph I. Lieberman  
United States Senator  
SH-706 Hart Senate Office Building  
Washington, D.C. 20510-0703

**Re: Indian Point Nuclear Power Station**

Dear Senator Lieberman:

I am writing to urge you to propose legislation requiring the United States Nuclear Regulatory Commission ("NRC") to initiate an Independent Safety Assessment ("ISA") of several critical safety and control systems at the Indian Point Nuclear Generating Facility ("Indian Point"). To date, the NRC has failed to require such an assessment despite clear evidence of serious safety problems. Only through federal legislation can we be assured that the NRC will take this critical action necessary to ensure the safety of Connecticut citizens.

While Indian Point is located in the State of New York, an accident or attack there will have an immediate effect on all citizens of the State of Connecticut. Specifically, approximately a third of the Connecticut's citizens live within the 50-mile diameter exposure pathway zone ("EPZ") and could be exposed to increased levels of radiation in the event of a major release. Further, in the event of an attack or accident, potentially millions of people would be evacuated along Interstates 95 and 84 into Connecticut. Consequently, my Office has carefully monitored state and federal regulatory oversight at Indian Point.

This facility, located in the Town of Buchanan, New York, is currently comprised of two actively operating nuclear reactors, and is owned by Entergy Nuclear Northeast. Indian Point is located in one of the most densely populated regions of the United States and has had numerous shutdowns and technical problems over the years. In addition, my Office and the New York-based Riverkeeper, Inc. organization, have filed numerous administrative actions and court challenges to the demonstrably inadequate radiological emergency preparedness plan ("REPP") at Indian Point.

There is clear evidence that this facility has had serious safety issues. There have been published news reports that, in March 2001, a senior engineer at Indian Point 2 resigned because his superiors refused to address issues associated with the plant's Reactor Protection System ("RPS"). The RPS is designed to automatically shut down a reactor, if it is operating outside predetermined safety limits involving such matters as coolant supply, feedwater levels, etc. The engineer alleged that the RPS was faulty and inadequate because there were significant differences between the RPS as designed and approved by NRC and the RPS as actually constructed.

Additionally, NRC itself sent a letter to all nuclear power stations informing them that the basic design for control room ventilation systems ("CRVS") was flawed and might permit inflow of contaminants in certain circumstances. Entergy has claimed that it has addressed this problem at Indian Point; however, the extent and nature of the defects in the design would make an independent assessment both prudent and necessary to ensure safety.

Beyond this, there have been reports of failures of the facility's onsite electrical safety systems since at least 1999 that have the potential to impact the backup diesel generators, and the exhaust steam condensate system that returns coolant water to the system has failed on at least one occasion, with a resulting release of radioisotopes.

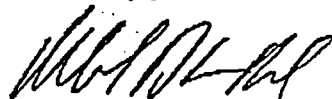
These and other problems at Indian Point are clear signs of a systemic, multi-year failure to address vital safety and security issues at this facility. The defects and flaws in these safety systems, and even more, the organizational failure to correct the defects, is indicative of an institutional culture that is either dismissive of its duty to protect the public or willfully blind.

It is, therefore, imperative that a neutral, objective and comprehensive evaluation be made of the Indian Point power station and, in particular, of the above mentioned safety systems. I urge you to introduce legislation mandating the NRC to order a full and complete, top-down ISA at Indian Point, similar to the one ordered in 1996 at the Maine Yankee facility

I am ready to provide any additional information you may need.

Thank you for your consideration of this important matter.

Very truly yours,



RICHARD BLUMENTHAL