

EDO Principal Correspondence Control

FROM: DUE: 04/14/06

EDO CONTROL: G20060360

DOC DT: 04/03/06

FINAL REPLY:

Senator Hillary Rodham Clinton

EDATS: SECY-2006-0054

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 06-0173

Chairman Diaz

DESC:

ROUTING:

Independent Safety Assessment at Indian Point

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

DATE: 04/04/06

ASSIGNED TO:

CONTACT:

EDO

Shoop

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20060240.

Template: SECY-017

E-RIDS: SECY-61

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2006-0054

Initiating Office: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 4/14/2006 5:00 PM

Other Assignees:

SECY Due Date: 4/18/2006 5:00 PM

Subject: Independent Safety Assessment at Indian Point

Description:

ADAMS Accession Numbers

Incoming:

Response:

Package:

Document Information

Originating Organization: Congress

Originator Name: Senator Hillary Rodham Clinton

Incoming Task Received: Letter

Date of Incoming Document: 4/3/2006

Document Received by OEDO Date: 4/4/2006

Date Response Requested by Originator: NONE

Addressee: Chairman Diaz

Process Information

Action Type: Letter

Priority: High

Signature Level: Chairman Diaz

Sensitivity: None

OEDO Concurrence: YES

Urgency: NO

OCM Concurrence: YES

Special Instructions: Ref. G20060240.

Other Information

Cross Reference Number: G20060360,G20060240,LTR-06-0173

Related Task:

File Routing: EDATS

Agency Lesson Learned: NO

HILLARY RODHAM CLINTON
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United States Senate

WASHINGTON, DC 20510-3204

April 3, 2006

CHAIRMAN REC'D
06 APR -4 AM 7:38

8625/38A

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

Dear Dr. Diaz:

I write in regard to your letter of March 28th, which provides information about the Indian Point inspection we discussed at the March 9th hearing of the Senate Environment and Public Works Committee. At that hearing, I requested that the United States Nuclear Regulatory Commission (NRC) conduct an Independent Safety Assessment (ISA), which other elected officials have also requested. In response, you made a commitment to conduct an engineering safety assessment, and promised to send a letter outlining the details.

In my view the engineering safety assessment you have proposed is a step forward, but it does not fully address the range of concerns that prompted the calls for an ISA. Legislation requiring an ISA at Indian Point that was introduced by Representatives Kelly, Hinchey and others includes two main components: an assessment of the design, construction, maintenance and operation of certain systems at Indian Point units 2 and 3; and a comprehensive evaluation of the radiological emergency plan for those units.

Your letter describes a process whereby Indian Point units 2 and 3 would each be the subject of an inspection to be conducted by a team of NRC personnel and contractors that would last seven weeks, and would include 700 hours of direct inspection effort. The inspection would focus on significant plant components, as determined by a risk analysis. While you have acknowledged that such an inspection would be less intensive scrutiny than an ISA, the scope and intent of the proposed review appears to be similar to what the legislation would require.

However, your proposed engineering safety review does not address the radiological emergency plan for Indian Point in any way. I understand that the NRC is currently working with local governments and New York State to identify problems with the radiological emergency plans and to determine which levels of government should address these problems. I have been told that the review will include a discussion of the findings of the 2003 Witt report. While these are positive steps, they fall short of what would be required under the proposed House legislation.

Because of the shortcomings of your proposal, I am introducing a Senate bill requiring an ISA that corresponds to the House legislation. I do so because I am not convinced that your proposed engineering assessment meets the needs of the community. However, I think that the

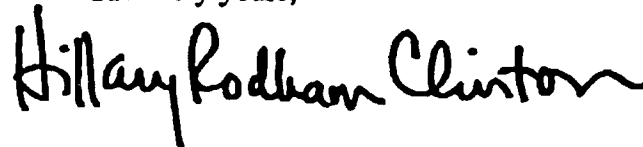
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proposed assessment and the ongoing review of the radiological emergency plan can and should be augmented in a way that meets these needs and makes legislation unnecessary.

In closing, I want to reiterate that an extensive review of both the plant operations and the emergency plans are necessary to ensure the safety of the communities surrounding Indian Point. Your letter provides basic information about how an engineering assessment would be conducted, but it is short on details. In addition, the letter does not address the review process for the emergency plans. Therefore, I request that you respond with a more detailed description and timeline of both the proposed engineering assessment and the ongoing review process for the emergency plan.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink that reads "Hillary Rodham Clinton". The signature is written in a cursive, flowing style with a prominent initial "H" and a long, sweeping underline.

Hillary Rodham Clinton