

June 7, 2006

The Honorable Richard Blumenthal
Attorney General
State of Connecticut
55 Elm Street
Hartford, Connecticut 06106

Dear Mr. Attorney General:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to a letter that Senator Lieberman wrote on March 15, 2006, which forwarded a copy of the letter you sent to him on January 26, 2006. Senator Lieberman raised several questions in response to your request for the NRC to perform an Independent Safety Assessment (ISA) at Indian Point. Senator Lieberman requested that I respond directly to your request and provide him with a copy of the response.

The NRC is an independent regulatory agency established by Congress. Our inspection and assessment processes are independent, thorough, and objective. The NRC conducts detailed inspections and assessments under the Reactor Oversight Process (ROP) at all operating reactor facilities. The ROP requires that inspections be performed in seven fundamental areas to measure plant performance and ensure safe plant operation. An extensive engineering team inspection is one of a set of inspections that is required to be conducted at all operating nuclear reactor facilities pursuant to ROP. This set of inspections forms the ROP's baseline inspection program. The baseline inspections address the areas in the proposed House and Senate legislation which would require an ISA at Indian Point. Specifically, the inspections performed by NRC resident inspectors and regional specialists routinely evaluate plant design, modifications, maintenance, and operations. The ROP is a flexible process which focuses inspections on those activities or areas that are risk significant (i.e., important to plant safety based on each plant's unique design) and has a framework that increases the level of scrutiny to focus on elements of a licensee's performance that appear to be declining.

The 1996 Maine Yankee ISA was a customized inspection prompted by significant problems identified in the computer codes that modeled aspects of the emergency core cooling system performance. The NRC has significantly enhanced its baseline inspection program since the Maine Yankee ISA was performed. In addition, the Indian Point units have received multiple engineering team inspections since 1998 to evaluate conformance to the design and licensing bases. Specifically, Indian Point Unit 2 was one of four plants in NRC Region I to receive an engineering team inspection in 1998. Since the current ROP was implemented more than six years ago, there have been three engineering design team inspections at Indian Point Unit 3 and two at Unit 2. In lieu of the engineering design team inspection at Unit 2 in 2001, the NRC performed a supplemental team inspection due to multiple performance deficiencies identified at the unit. This inspection employed significantly more resources and covered more areas than a routine engineering team inspection and is comparable to the system-type reviews performed at Maine Yankee. A copy of this inspection report is included in Enclosure 1. In addition,

engineering team inspections are currently scheduled at each of the Indian Point units in 2007. The Commission believes that this series of inspections is sufficiently extensive and comprehensive to evaluate engineering design and performance at Indian Point. We also believe that the current increased level of oversight at Indian Point is appropriate and that the performance of the current ROP inspection regime planned for Indian Point will effectively accomplish the intent and objectives of the requests for a Maine Yankee type of assessment.

In response to the specific technical safety issues raised in your letter, the NRC is aware of each of these issues and has conducted a series of reviews and inspections of each issue. For example, the concerns with the electrical problems at the facility in 1999 were reviewed and documented in NRC Inspection Report 50-247/99-08 (Enclosure 2). The failure of a steam generator tube at Indian Point 2 in 2000 was reviewed and documented in NRC Inspection Report 50-247/2000-02, 2000-07, and 2000-10 (Enclosures 3, 4, and 5 respectively). Concerns with the control room ventilation system are generic in nature and were addressed in NRC Generic Letter 2003-01 and subsequent NRC followup of the response to the generic letter. These documents can be accessed at our public website at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/gen-letters/2003/index.html>. Indian Point performed tracer gas tests to measure control room in-leakage and to confirm that the dose to the control room operators during an accident met NRC requirements. NRC inspectors observed these tests as documented in NRC Inspection Report 50-286/2005-02 (Enclosure 6). Finally, concerns with the Reactor Protection System (RPS) were also reviewed in detail in 2001 as documented in NRC Inspection Report 50-247/2001-05 (Enclosure 7). Further, the Office of Inspector General reviewed questions about RPS wiring in OIG report 2003-01-01S (Enclosure 8). The Commission believes that each of the issues noted was thoroughly reviewed by the NRC and have been properly addressed by the Indian Point staff.

In summary, the Commission is committed to independent, thorough, and objective inspections at all of our regulated facilities including Indian Point. The Commission continues to believe that the current increased level of oversight at Indian Point is appropriate and that the scope and depth of NRC inspections and assessments will address your concerns.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

/RA/

Nils J. Diaz

Enclosures: See next page.

Enclosures:

1. Indian Point Unit 2 - NRC Supplemental Inspection 05000247/2001-002
2. NRC Augmented Inspection Team - Reactor Trip with Complications - Rpt. No. 50-247/99-08
3. NRC Augmented Inspection Team - Steam Generator Tube Failure - Rpt. No. 05000247/2000-002
4. NRC Augmented Inspection Team Follow-Up - Steam Generator Tube Failure Rpt. No. 05000247/2000-007
5. NRC Special Inspection Report - Indian Point Unit 2 Steam Generator Tube Failure - Rpt. No. 05000247/2000-010
6. Indian Point Nuclear Generating Unit 3 - NRC Integrated Inspection Rpt. 05000286/2005002
7. Indian Point 2 - NRC Inspection Rpt. No. 05000247/2001-005
8. NRC Enforcement of Regulatory Requirements and Commitments at Indian Point, Unit 2 (Case No. 01-01S)

cc: Senator Joseph I. Lieberman