

EDO Principal Correspondence Control

FROM: DUE: 11/01/06

EDO CONTROL: G20060876

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FINAL REPLY:

Representative Maurice Hinchey  
Representative Nit Lowey  
Representative Eliot Engel

TO:

Chairman Klein

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 06-0543

Chairman Klein

DESC:

ROUTING:

Independent Assessment of the Agency's Reactor  
Oversight Process at Indian Point

Reyes  
Virgilio  
Kane  
Silber  
Johnson  
Cyr/Burns  
Collins, RI  
Funches, CFO  
Schmidt, OCA  
Shoop, OEDO

DATE: 10/26/06

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Ref. G20060835.

Template: SECY-017

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OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-06-0543 **LOGGING DATE:** 10/25/2006  
**ACTION OFFICE:** EDO

**AUTHOR:** REP Nita Lowey  
**AFFILIATION:** CONG  
**ADDRESSEE:** Dale Klein  
**SUBJECT:** Urges the immediate development of an Independent Safety Assessment for Indian Point as outlined in legislation proposed in the House and Senate

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** Chairman, Comrs, RF, OCA to Ack

**LETTER DATE:** 10/25/2006  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:**

**NOTES:** Commission Correspondence  
**FILE LOCATION:** ADAMS

**DATE DUE:** 11/08/2006 **DATE SIGNED:**

EDO --G20060876



# Congress of the United States

House of Representatives

Washington, DC 20515

October 25, 2006

Chairman Dale Klein  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Chairman Klein:

We are writing in response to your letter dated October 11, 2006, in which you direct Nuclear Regulatory Commission Executive Director for Operations Luis Reyes to work with NRC staff to develop an independent assessment of the agency's Reactor Oversight Process (ROP) at the Indian Point nuclear power plant.

While the recent findings of the Government Accountability Office, published recently in "Nuclear Regulatory Commission: Oversight of Nuclear Power Plant Safety Has Improved, but Refinements Are Needed" (GAO-06-1029) indicate that such a review is warranted, we strongly note that this type of investigation does not replace a thorough, top-to-bottom review of key systems at Indian Point with a history of safety problems. An assessment of an assessment does little to address and identify actual safety issues at the plant and does far less to alleviate the public's growing unease over the increasing safety problems of the aging nuclear plant and its spent fuel pools.

We continue to be concerned with the NRC's failure to require an Independent Safety Assessment at Indian Point. A number of us in the New York Congressional delegation have repeatedly called for a Maine Yankee-style ISA due to several factors, including a long history of safety problems at Indian Point, a gravely flawed emergency plan, an ongoing tritium and strontium-90 leak originating from at least one spent fuel pool, and a potential twenty-year license extension for both reactors should Entergy submit its application in March 2007 as all indicators predict.

We urge that you immediately direct NRC staff to develop an ISA for Indian Point as outlined in legislation proposed in both the U.S. House (H.R.4891) and Senate (S.2488). Both bills require a thorough and independent review of the design, construction, maintenance, and operational safety performance of key systems at Indian Point, including: (1) the reactor protection system; (2) the control room ventilation system and the containment ventilation system; (3) the 4.16 kv electrical system; (4) the condensate system; and (5) the spent fuel storage system.

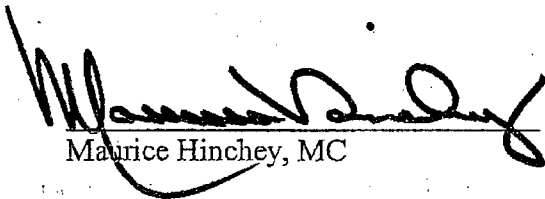
Chairman Dale Klein  
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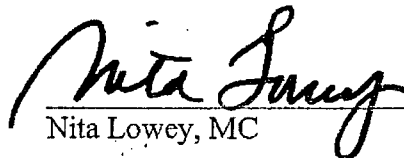
The legislation would also require a comprehensive evaluation of the radiological emergency plans for Indian Point, including a detailed explanation of the factual basis upon which the NRC and FEMA have approved the plans, despite conclusions by former FEMA head James Lee Witt that the plans are gravely flawed and in the event of a fast-breaking release probably could not protect the public.

The GAO report notes that the NRC "has been slow to act on needed improvements, particularly in improving the agency's ability to identify and address early indications of declining safety performance." It is this conclusion that warrants the need for an Independent Safety Assessment at Indian Point, a plant that operates within a 50-mile radius with over 20 million people and continues to show increasing signs of aging and degradation. A thorough independent assessment will provide the type of information needed by the NRC to make an informed determination if Entergy seeks a twenty-year license extension.

We look forward to a timely response to our request for an ISA at Indian Point and would welcome the opportunity to discuss this matter further with you.

Sincerely,

  
Maurice Hinchey, MC

  
Nita Lowey, MC

  
Eliot Engel, MC