

February 15, 2007

The Honorable Maurice Hinchey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Hinchey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of October 25, 2006, regarding the development of an independent assessment of the NRC's Reactor Oversight Process (ROP) at the Indian Point nuclear power plant. Specifically, you expressed concern that the NRC has not conducted an Independent Safety Assessment (ISA) at Indian Point similar to the ISA conducted at the Maine Yankee facility in 1996 and that the development and completion of an independent assessment of the ROP does not replace the performance of an ISA.

As you note in your letter, I directed the NRC staff to develop, for Commission consideration, a charter for conducting an independent assessment of the implementation of the ROP at the Indian Point facility and facilities in other regions to the extent the staff deemed appropriate. That direction was based in part on the concerns of some that the current ROP does not adequately address the areas evaluated during the Maine Yankee ISA.

In response to this direction to develop a charter, the NRC staff performed a very thorough and detailed comparison of the inspections performed today pursuant to the ROP to those areas inspected during the Maine Yankee ISA to determine where gaps, if any, in the ROP may exist. The comparison confirmed that the current ROP inspection procedures, coupled with NRC review standards, effectively examine all key aspects of the Maine Yankee ISA. This means that the NRC staff is essentially performing the inspection elements of an ISA at each operating nuclear power plant in the country on a routine basis. A copy of the NRC staff's comparison of the ROP and the Maine Yankee ISA is enclosed.

Further, in 2006, the NRC staff, at the direction of the Commission, significantly enhanced an existing design review inspection procedure. The new Component Design Basis Inspection procedure is a comprehensive team inspection to verify that design bases have been correctly implemented for selected risk significant components and that operating procedures and operator actions are consistent with design and licensing bases. This new inspection procedure ensures that selected components are capable of performing their intended safety functions. This inspection is currently being performed at Indian Point Unit 2 and is scheduled to be performed at Indian Point Unit 3 in the fourth quarter of 2007.

After review of the results of the staff's efforts, the Commission remains convinced that the ROP, as currently implemented, effectively embodies the inspection elements of the Maine Yankee ISA and that it provides better oversight than an ISA since an ISA is a one time, "snapshot" inspection whereas the ROP provides continual evaluation. The Commission also remains convinced that Indian Point is undergoing the appropriate level of inspection scrutiny pursuant to the ROP.

Your letter also references findings contained in a recently published Government Accountability Office report on the ROP. The NRC has implemented changes to our oversight process to address the issues raised in that report. These changes enhance our assessment of licensee safety culture and were put in place in July 2006. The Commission will closely monitor these changes during the initial implementation period. The Commission would also point out that the ROP has undergone an independent assessment by the NRC Office of the Inspector General (Audit Report OIG-05-A-06, "Audit of NRC's Baseline Inspection Program," dated December 22, 2004). The results of the assessment were positive, identifying only minor opportunities for enhancement.

I want to assure you that the Commission is committed to independent, thorough, and objective inspections at all NRC-regulated facilities, including Indian Point. The Commission believes that the current level of oversight at Indian Point is appropriate and commensurate with the facility's performance. Should the performance of the Indian Point facility decline, the ROP will require increased NRC oversight consistent with the level of decline.

If you have additional questions, the NRC staff would be happy to meet with you or your staff to discuss NRC's inspection and oversight process.

Sincerely,

/RA/

Dale E. Klein

Enclosure:
As stated

Identical letter sent to:

The Honorable Maurice Hinchey
United States House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
United States House of Representatives
Washington, D.C. 20515

The Honorable Eliot Engel
United States House of Representatives
Washington, D.C. 20515