February 13, 2008

Irene Murphy, Village Clerk
Village of Airmont
321 Route 59, P.O. Box 578
Airmont, NY 10982

Dear Ms. Murphy:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 5, 2007, regarding the Village of Airmont's support for congressional legislation to require that the NRC conduct an independent safety assessment (ISA) of the Indian Point Energy Center. Your letter was forwarded to the NRC on January 14, 2008, from the White House for our consideration.

Over the past year, the NRC has received several requests from members of Congress and the public for an ISA at Indian Point. The NRC has not supported these requests. I want to provide you with the reasons for our position on this issue.

As you may know, the NRC conducted the Maine Yankee ISA in 1996 in response to a specific set of circumstances associated with allegations made about the facility's power uprate application and alleged licensee staff misconduct. Similar circumstances do not exist at the Indian Point Energy Center (IPEC).

In response to the recent requests for an ISA at IPEC, the staff carefully and thoroughly compared the ISA conducted at Maine Yankee with the inspections conducted at all nuclear power plants in accordance with the NRC's inspection program, which is called the Reactor Oversight Process (ROP). The staff's extensive comparison is summarized in the enclosure to this letter. In summary, the staff concluded that the current ROP inspections, coupled with NRC review standards, not only effectively examine the same key aspects as the Maine Yankee ISA, but also require these inspections and assessments on an ongoing basis.

The ROP is designed to be objective and predictable; given the same performance, different licensees will receive the same level of regulatory oversight. Plants that show symptoms of declining performance receive increased levels of inspection beyond the baseline inspection requirements. The NRC immediately responds and takes additional, significant action if a plant performs poorly under the ROP. A poorly performing plant receives a significant amount of increased inspection. This supplemental inspection examines the overall contributing causes of performance deficiencies. The NRC gathers additional information to determine whether the facility can continue to operate safely or whether we need to take additional enforcement actions. If the NRC determines that plant performance is unacceptable, the NRC will modify, suspend, or revoke the utility's operating license.

The ROP was implemented in 2000, and incorporates lessons learned by the NRC from past inspection activities, including the 1996 Maine Yankee ISA. The ROP is flexible and allows the NRC to tailor its response. Under appropriate circumstances, the NRC can deviate from the ROP. Regarding IPEC, the NRC has deviated from the ROP to increase its oversight of the spent fuel pool leakage issue and emergency preparedness alert and notification issues. The

NRC has also taken increased regulatory action in the form of two civil penalties for failure to comply with orders to install backup power to the emergency notification system and have the system reviewed and approved by the Federal Emergency Management Agency (FEMA) prior to the deadline specified.

In addition, each U.S. commercial nuclear power plant, including Indian Point, has at least two NRC resident inspectors (Indian Point has four). They serve as the agency's eyes and ears at the facility, conducting regular inspections, monitoring significant work projects, observing plant workers and interacting with the public. The NRC is able to protect the health and safety of the public through the extensive range of regulatory tools in the ROP available to the NRC's inspectors and managers.

In summary, the NRC is committed to independent, thorough, and objective inspections at all NRC-regulated facilities. The ROP is the most effective way to achieve this goal. Additionally, the NRC believes that the present increased level of oversight at Indian Point is appropriate based on the facility's level of performance and the issues that are presently of concern.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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