

May 15, 2009

The Honorable Kirsten E. Gillibrand
United States Senate
Washington, DC 20510

Dear Senator Gillibrand:

This is to acknowledge receipt of your letter dated May 4, 2009, regarding your concerns about issues related to the buried pipes associated with the Auxiliary Feedwater system at the Indian Point nuclear facility. In your letter, you asked to discuss these matters further with Chairman Klein.

A contested hearing is currently underway before the Atomic Safety and Licensing Board on several issues with respect to the Indian Point license renewal application, including the buried piping issue about which you have inquired. Under NRC regulations, the Commission has an adjudicatory role in the license renewal proceeding. Due to the nature of the Commission's role, all members of the Commission must remain impartial while this case is pending. At this time, therefore, the Chairman cannot discuss or comment on issues involved in this matter. My office has explained these circumstances to your staff and proposed that the agency's deputy Executive Director for Reactor Programs meet with you.

Please be assured that we are working with your office to schedule this meeting as soon as possible.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs