

EDO Principal Correspondence Control

FROM: DUE: 04/08/11

EDO CONTROL: G20110225
DOC DT: 03/24/11
FINAL REPLY:

Lt. Governor Robert J. Duffy
State of New York

TO:

Chairman Jaczko

FOR SIGNATURE OF :

** PRI **

CRC NO: 11-0166

Chairman Jaczko

DESC:

ROUTING:

NRC's September 2010 Safety/Risk Assessment Report
and Information Notice - Indian Point
(EDATS: SECY-2011-0180)

Borchardt
Weber
Virgilio
Ash
Muessle
OGC/GC
Dean, RI
Burns, OGC
Wittick, OEDO

DATE: 03/30/11

ASSIGNED TO:

CONTACT:

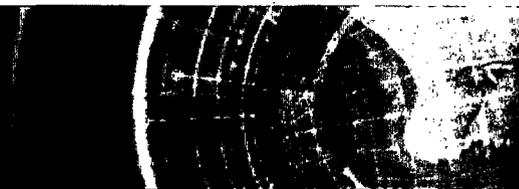
NRR

Leeds

SPECIAL INSTRUCTIONS OR REMARKS:

EDATS

Electronic Document and Action Tracking System



EDATS Number: SECY-2011-0180

Source: SECY

General Information

Assigned To: NRR

OEDO Due Date: 4/8/2011 11:00 PM

Other Assignees:

SECY Due Date: 4/12/2011 11:00 PM

Subject: NRC's September 2010 Safety/Risk Assessment Report and Information Notice - Indian Point

Description:

CC Routing: RegionI; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

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OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

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Originating Organization: State of New York

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Addressee: Chairman Jaczko

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Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 29, 2011 15:46

PAPER NUMBER: LTR-11-0166 **LOGGING DATE:** 03/29/2011
ACTION OFFICE: EDO

AUTHOR: Robert Duffy
AFFILIATION: NY-LTGOV
ADDRESSEE: Gregory Jaczko
SUBJECT: Follow-up to March 22nd meeting with staff...Indian Point

ACTION: Signature of Chairman
DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 03/24/2011
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence

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DATE DUE: 04/20/2011 **DATE SIGNED:**

EDO --G20110225



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

ROBERT J. DUFFY
LIEUTENANT GOVERNOR

The Honorable Gregory B. Jaczko
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

March 24, 2011

Dear Dr. Jaczko,

I am writing to follow-up on my March 22nd meeting with Eric Leeds, Jack Grobe, and other members of your staff, as well as our phone conversations.

Our discussion at the meeting focused largely on NRC's September 2010 Safety/Risk Assessment Report and Information Notice. This report found that the risk of damage to Indian Point Unit #3 and 26 other nuclear reactors in the Central and Eastern U.S. increased from previous estimates. Because of these findings, NRC concluded that further site-specific review was necessary at these reactors to determine if plant modifications that would reduce seismic risk are warranted. We believe that in light of the improvements in technologies that afford better monitoring and assessment of earthquakes, such a review is necessary, and the events in Japan underscore the urgency to complete this review as quickly as possible.

At our meeting, Mr. Leeds agreed to make Indian Point the top priority in NRC's review of the 27 nuclear reactors found to have an increase in seismic risk. In addition, Mr. Leeds committed to working with New York's technical experts during this review by sharing data in real time and allowing our team to accompany NRC on related inspections at Indian Point. In our telephone conversation following the meeting, you concurred with Mr. Leeds' commitments to us, and said you'd also conduct a personal site visit at Indian Point. These are good first steps.

During the meeting, we also asked whether the site-specific review would evaluate the spent fuel pools at Indian Point for seismic risk. Mr. Grobe explained that the spent fuel pools were included in the September 2010 assessment and required no further study. However, another NRC staff member at the meeting contradicted Mr. Grobe and explained that spent fuel pools were not part of the 2010 assessment. Mr. Grobe agreed to provide us with whatever seismic risk data NRC has with respect to the spent fuel pools at Indian Point. We will review these data and, depending on our findings, may continue to insist that NRC include the spent fuel pools in its site-specific seismic review at Indian Point. In addition, our technical staff requested



that the site-specific review at Indian Point look at the potential seismic risk at the entire plant, not just Unit #3, and include other key infrastructure such as back-up power systems.

Lastly, I want to express my disappointment with statements made by your spokeswoman, Elizabeth Hayden, to the news media. Ms. Hayden told the *New York Post* that the review of Indian Point “is really not a serious concern.” Dismissive comments such as these do not inspire confidence that your agency is taking seriously its responsibilities to protect public safety. I believe that the NRC has many talented staff, and the work they are doing is critically important. The events in Japan are a stark reminder of just how serious the NRC’s work really is, and I encourage you to remind your staff of the importance of NRC’s mission.

Governor Cuomo and I continue to have serious concerns about Indian Point, and New York State will continue to stay fully engaged in the license renewal proceeding as well as the ongoing review of seismic risk at Indian Point. I appreciate your staff’s willingness to meet with us and for the commitment to make Indian Point their top priority in the site-specific seismic risk review that is now underway.

All the best,

A handwritten signature in black ink, appearing to read "R. J. Duffy". The signature is fluid and cursive, with a large initial "R" and "D".

Lieutenant Governor Robert J. Duffy
New York State Capitol Building
Albany, New York 12224