

July 16, 2011

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

Dear Senator Gillibrand:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of May 24, 2011, regarding the results of the recent inspection at Indian Point Nuclear Generating Units 2 and 3 under NRC Temporary Instruction (TI) 2515/183, "Follow-up to the Fukushima Daiichi Nuclear Station Fuel Damage Event," and your view that a "top to bottom review of all past agreements and exemptions granted to the licensee" should be conducted.

The intent of TI 2515/183 was to take a high-level look at the nuclear power industry's preparedness for extreme events. Additionally, we were looking primarily for potential issues that could affect the continued safe operation of U.S. commercial nuclear plants and to provide information to the agency's near-term task force looking at NRC's processes and regulations to determine whether changes are needed to enhance safety.

The NRC's TI 2515/183 inspections did not reveal any significant safety issues, although some deficiencies were noted, which indicate that improvements could be made in equipment and strategies required to mitigate some design-basis events and beyond-design-basis events. The sites with deficiencies noted have already addressed these issues or are actively working to resolve them with NRC oversight. The results of the Indian Point TI 2515/183 inspection reaffirmed that Indian Point Units 2 and 3 have the capability to effectively cool the reactor cores and spent fuel pools following extreme events.

Regarding your specific concern with hydrogen recombiner testing at Indian Point Unit 2, this plant has left in place its hydrogen recombiners, although they are no longer required by the NRC. The plant operator submitted (and the NRC approved) a request to remove the hydrogen recombiners from the plant's approved licensed conditions for the plant to operate. However, the licensee decided to keep the recombiners in place, and retain a related testing requirement. Our inspectors have noted that periodic testing was not completed, and the licensee has taken action to test this equipment. This and any other potential issues and observations identified by the NRC's TI 2515/183 inspection at Indian Point will be further evaluated through our Reactor Oversight Process to determine if any regulatory findings or violations were identified. The NRC, however, has not identified any need to review all past agreements and exemptions that have been granted for Indian Point Units 2 and 3. Please be assured that as we continue to perform systematic and methodical inspections and reviews, we will not hesitate to take action, as appropriate.

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I appreciate your continuing shared interest in the safety of Indian Point Units 2 and 3. If you have any additional questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko