

EDO Principal Correspondence Control

FROM: DUE: 02/21/06

EDO CONTROL: G20060133

DOC DT: 02/07/06

FINAL REPLY:

Representative Sue Kelly

TO:

Chairman Diaz

FOR SIGNATURE OF :

\*\* PRI \*\*

CRC NO: 06-0069

Chairman Diaz

DESC:

ROUTING:

Independent Safety Assessment of Indian Point

Reyes  
Virgilio  
Kane  
Silber  
Dean  
Cyr/Burns  
Dyer, NRR  
Zimmerman, NSIR  
Schmidt, OCA

DATE: 02/08/06

ASSIGNED TO:

CONTACT:

RI

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with NRR.

Template: SECY-017

E-RIDS: SECY-01

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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LOGGING DATE: 02/08/2006

ACTION OFFICE: EDO

AUTHOR: REP Sue Kelly

AFFILIATION: CONG

ADDRESSEE: Nils Diaz

SUBJECT: Independent Safety Assessment (ISA) of the Indian Point Energy Center

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 02/07/2006

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES: Commission Correspondence

FILE LOCATION: ADAMS

DATE DUE:

2/23/06

DATE SIGNED:

EDO --G20060133

SUE W. KELLY  
19TH DISTRICT, NEW YORK

COMMITTEE ON FINANCIAL SERVICES, VICE CHAIR  
CHAIRWOMAN, SUBCOMMITTEE ON  
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ASSISTANT MAJORITY WHIP

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3219**

February 7, 2006

- PLEASE REPLY TO:
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(914) 962-0761

The Honorable Dr. Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20006

Dear Chairman Diaz,

My purpose in writing is to request the Nuclear Regulatory Commission conduct an Independent Safety Assessment (ISA) of the Indian Point Energy Center in Buchanan, New York.

As you well know, the security and safe operation of Indian Point is an issue of great importance to my constituents and many others in nearby communities. I sincerely appreciate your efforts to respond to concerns on this matter. Nevertheless, I believe that the NRC still has a profound credibility problem which prevents many from placing the appropriate level of confidence in the Commission's oversight of Indian Point. Many, myself included, still recall the NRC Inspector General's revelations detailing the lax NRC oversight which contributed to the steam generator tube failure in 2000. We still remember how the NRC refused for months to compel Con Ed to replace the faulty steam generators despite the IG's deeply troubling revelations about weak NRC oversight.

Six years later, the NRC's credibility gap with many constituents has not been repaired. Recent examples may help explain why. As you know, the response by the NRC and Entergy to concerns articulated by an experienced employee about IP2's cable and raceway separation system raised serious questions about both plant operations and about the way that employee concerns are resolved. And I am certainly not the only official who has expressed concern and disappointment with the NRC's initial handling of the ongoing spent fuel pool leak. These concerns are exacerbated by recent revelations that the NRC has discontinued reviewing the Inservice Inspection summary reports that plant owners are required to provide to the Commission. This decision only reminds those of us in the Hudson Valley about the steam generator tube failure in 2000. As you'll recall, the NRC IG found that examinations which would have indicated the likelihood of a leak were ignored by the NRC.

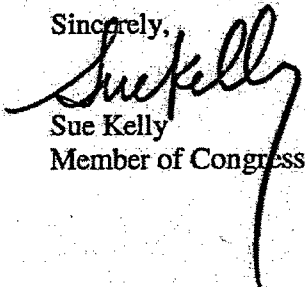
I have expressed my concerns to you directly in the past and restated them to NRC officials who escorted David Lochbaum of the Union of Concerned Scientists and I through the plant in January. Though the steps Entergy has taken to address safety and security concerns at the plant are encouraging, I believe an independent and thorough safety assessment of Indian Point is a necessary step to ensuring the plant's safe operations and to improving public confidence.

As you recall, the NRC established an Independent Safety Assessment (ISA) team in 1996 to conduct a comprehensive horizontal and vertical review of the Maine Yankee plant. The formation of such an ISA team for Indian Point would help us make certain that problems are identified proactively in order to prevent any emergency or potentially disastrous event from occurring at Indian Point. As with Maine Yankee, an ISA for Indian Point should be monitored by outside experts and local officials.

Such an action may help restore the public's confidence in the NRC's oversight, and will certainly better assure the safety of the plant's operations. I strongly encourage you to establish an ISA of Indian Point without delay.

I remain appreciative of your willingness to listen to my concerns and am committed to working with you to resolve these issues and improve the security and safe operations at Indian Point.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sue Kelly", with a long, sweeping vertical line extending downwards from the end of the signature.

Sue Kelly  
Member of Congress