

March 10, 2006

The Honorable Sue W. Kelly  
United States House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Kelly:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of February 7, 2006, requesting that an Independent Safety Assessment (ISA), such as the one performed at Maine Yankee in 1996, be conducted at the Indian Point site.

The Maine Yankee ISA was a unique, intense review of selected engineering issues. The insights gained from the assessment were incorporated into the NRC's Reactor Oversight Process (ROP), a key aspect of which is engineering inspections. The ROP baseline inspection plan includes the performance of an extensive engineering team inspection every two years. Recently, after completion of a pilot program as part of the NRC's continuing efforts to improve the ROP, the engineering inspection effort was significantly enhanced to review more effectively the plant design and configuration of components important to safety. The combination of the risk-informed baseline inspection, with the significantly improved engineering inspection, provides a more safety-focused review of significant plant components. The significantly improved engineering inspection was performed at Vermont Yankee in the Fall of 2004 and proved to be an excellent inspection process. This new engineering inspection is performed by a multi-disciplinary team consisting of NRC inspectors as well as outside contractors and is scheduled to be performed at both Indian Point Units 2 and 3 in 2007. As with all NRC inspections at Indian Point, representatives from the New York State government are welcome to observe or participate. Based on the results of the ROP; the engineering team inspections performed at Indian Point in 2001, 2003, and 2005; as well as the scheduled inspection regime, which includes an extensive, independent engineering team inspection, the Commission believes that the current increased level of oversight at Indian Point is appropriate and an effort to replicate a "Maine Yankee" ISA is not warranted.

Your letter also makes reference to the NRC's treatment of several historical issues at Indian Point, including questions about cable separation raised by a previous Indian Point employee in 2004. The NRC thoroughly investigated questions raised by the individual. While the NRC's review resulted in several inspection findings, none of the issues impacted the ability of plant systems to provide their required safety functions. Detailed information regarding the NRC's followup on this issue has been provided to your office, and NRC staff have met with you on several occasions to discuss this matter. The Commission is not aware of any new concerns regarding this matter.

With regard to NRC's review of inservice inspection reports and the February 2000 steam generator tube failure at Indian Point 2, the NRC staff reviews all steam generator tube inspection reports submitted by licensees. The steam generator inspection summary provided to the NRC prior to the tube failure at Indian Point 2 did not indicate that defects were present in the tube that failed in February 2000. A subsequent NRC review identified a significant

inspection finding associated with weaknesses in the licensee's steam generator inspection program. In response to this finding, the licensee implemented significant corrective actions, and the NRC examined a broad range of activities at the site to verify the adequacy of those actions. If a licensee cannot demonstrate to the NRC that its steam generators can continue to meet regulatory requirements, the licensee can keep the plant shut down, implement NRC approved repairs, or replace the steam generators. In late 2000, the licensee for Indian Point 2 elected to replace the steam generators.

If you have further questions or would like a briefing on any of these issues, please contact me.

Sincerely,

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Nils J. Diaz