

March 26, 2004

Assemblyman Richard L. Brodsky  
New York State Assembly  
Assemblyman 92<sup>nd</sup> District  
Legislative Office Building  
Albany, New York 12248

Dear Assemblyman Brodsky:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter to me of January 30, 2004, regarding a meeting to discuss Entergy Nuclear Northeast's plans to construct an independent spent fuel storage installation (ISFSI) at the Indian Point Nuclear Generating Station in Buchanan, New York. You requested that a public meeting be held in the community that is host to the plant.

In a letter dated December 29, 2003, Entergy Nuclear Operations, Inc. notified the NRC of its intent to store spent nuclear fuel in dry casks on the Indian Point site in an Independent Spent Fuel Storage Installation (ISFSI) under the general license provisions of 10 CFR Part 72. The dry cask storage design that Entergy plans to use at Indian Point has been reviewed and approved by the NRC. NRC approves spent fuel cask designs through a rulemaking process. The rulemaking process includes an opportunity for public review and comment. NRC's approval of a cask design is provided in a Certificate of Compliance. Entergy, as a general licensee, will be required to perform evaluations to ensure that the use of the specific dry cask storage system is bounded by the Part 72 Certificate of Compliance and the existing Part 50 license requirements for Indian Point. Entergy's evaluations will be subject to NRC inspection. Furthermore, NRC will perform inspections during construction, pre-operational testing, and operational activities to ensure that all safety requirements are met.

We understand that residents and local elected officials have questions and concerns regarding the planned ISFSI at Indian Point. During our Annual Assessment meeting with Entergy on April 27, 2004, we plan to discuss, at some level, the NRC's licensing and oversight of dry cask storage systems and ISFSIs. Subsequent to the April 27, 2004 meeting, we plan to hold an additional public meeting in the vicinity of Indian Point to discuss the NRC's role in the Part 72 general licensing process, dry cask storage system technical reviews, and inspection of ISFSI activities. The intent of this meeting is to inform the public about the NRC's oversight, including a discussion of the technical requirements for dry cask storage, and the nature of specific assessments to be completed by Entergy to demonstrate the dry cask storage system meets all requirements. We will also provide general information regarding actions taken and in progress to ensure the security of spent fuel storage and will respond to other questions and concerns that may be raised. In addition, we understand that Entergy plans to conduct an "open house" in mid-April 2004 to share the specific plans for construction and operation of the ISFSI. These meetings will provide the opportunity for citizens in the vicinity of the Indian Point site to learn more about the NRC's oversight of ISFSIs and Entergy's specific ISFSI construction and operating plans.

Assemblyman Richard L. Brodsky

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If you have further questions, please feel free to contact me.

Sincerely,

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Brian E. Holian, Deputy Director  
Division of Reactor Projects

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