

July 25, 2007

Ms. Susan Shapiro, Esq.  
FUSE  
21 Perlman Drive  
Spring Valley, New York 10977

Dear Ms. Shapiro:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated June 26, 2007, regarding the license renewal application (LRA) for Indian Point Nuclear Generating Unit Nos. 2 and 3, submitted by Entergy Nuclear Operations, Inc. on April 23, 2007. In your letter, you stated your view that the LRA is inaccurate and incomplete with respect to information regarding the environmental impacts of refurbishment and terrorism. You also requested that, in performing its review of the application's acceptability for docketing, the NRC reject the application due to the applicant's failure to disclose this information.

The NRC staff has carefully considered the concerns raised in your letter with respect to refurbishment during our acceptance review. The applicant stated in its environmental report (ER) that there are no refurbishment activities required for the license renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3. While we understand your concern that the information in the ER is not complete, the staff has determined that Entergy has submitted sufficient information in accordance with 10 CFR Sections 51.45 and 51.53(c) to enable the staff to undertake a review of the application, and that the application is therefore acceptable for docketing. The staff's acceptance determination does not constitute a determination that a renewed license should be issued, and does not preclude the staff from submitting such requests for additional information as the staff may determine are appropriate or necessary, as its review proceeds. As you may know, the staff's environmental review process involves an environmental site audit and affords the staff the opportunity to request an applicant to submit additional information to supplement the ER, as necessary. The information presented in your letter regarding refurbishment will be considered further by the staff during its review of the application, and will be considered, as appropriate, as a scoping comment during the staff's preparation of an environmental impact statement.

With respect to your comments regarding the need for consideration of terrorism, the Commission reaffirmed its position on this issue in a recent Memorandum and Order, "Amergen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station), CLI-07-8, 65 NRC 124 (Feb. 26, 2007). There, the Commission concluded, in part, that "NEPA does not require the NRC to consider the environmental consequences of hypothetical terrorist attacks on NRC-licensed facilities" (65 NRC at 129).

S. Shapiro

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In conclusion, I wish to assure you that I understand the concerns raised in your letter and that the NRC staff has considered the applicability of your comments in determining whether the Indian Point license renewal application is acceptable for review. The staff will further consider your comments, to the extent that they are relevant to license renewal, during the course of its review of the license renewal application. Your early participation in the NRC review process is appreciated.

Sincerely,

*/RA/*

P. T. Kuo, Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation

cc: See next page

S. Shapiro

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In conclusion, I wish to assure you that I understand the concerns raised in your letter and that the NRC staff has considered the applicability of your comments in determining whether the Indian Point license renewal application is acceptable for review. The staff will further consider your comments, to the extent that they are relevant to license renewal, during the course of its review of the license renewal application. Your early participation in the NRC review process is appreciated.

Sincerely,

*/RA/*

P. T. Kuo, Director  
Division of License Renewal  
Office of Nuclear Reactor Regulation

cc: See next page

**Adams Accession: Pkg: ML072060386; Incoming: ML071990093; Response: ML072060393**

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Letter to S. Shapiro from P. T. Kuo, dated July 25, 2007

SUBJECT: RESPONSE LETTER TO S. SHAPIRO

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