August 14, 2008

Mr. Sherwood Martinelli
Friends United for Sustainable Energy
351 Dyckman Street
Peekskill, NY 10566

Dear Mr. Martinelli:

This letter responds to your petition of June 25, 2007, filed on behalf of Friends United for Sustainable Energy (FUSE) with Chairman Dale E. Klein, Mr. Richard Barkley, and Dr. Pao-Tsin Kuo of the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). Your petition requested that the NRC issue orders, effective immediately, to suspend the Indian Point Generating Unit Nos. 2 and 3 (Indian Point) licenses until the issues described in the petition are remedied to full compliance with all local, State, and Federal laws.

On September 4, 2007, you were told via email that your request to immediately suspend the Indian Point licenses had been denied. You met with the Petition Review Board on December 21, 2007, to clarify the basis for your petition. The transcript of this meeting was treated as a supplement to the petition and is available in Agencywide Documents Access and Management System (ADAMS) Accession No. ML080140267 for inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Public Electronic Reading Room).

On February 1, 2008, the NRC staff acknowledged receipt of your petition and informed you that your petition was referred to me for action and that it would be acted upon within a reasonable time (ADAMS Accession No. ML080080297).

Your petition referenced a number of issues regarding the spent fuel pool (SFP) leakage at Indian Point. You stated that since Entergy has been unable to locate the source of the SFP leakage, they are unable to repair the leak. Furthermore, you stated that as a result, the effect on the environment is increasing and the structural integrity of the SFP will worsen and contribute to the decline of plant stability and integrity.

Following Entergy's determination that the leakage affected on-site ground water, Entergy initiated an investigation to determine the extent of the condition and potential impact on public health and safety. The NRC Region I staff also initiated special inspections to examine the licensee's response to the issue and determine if the contaminated ground water affected, or could affect, public health and safety. Through these efforts, the NRC and Entergy determined that the radiological significance of the groundwater conditions at Indian Point is currently, and is expected to remain negligible with respect to impact on public health and safety and the environment.

The NRC Region I inspection report related to these issues was issued on May 13, 2008 (ADAMS Accession No. ML081340425), and concluded that Entergy conformed to all NRC regulatory requirements that were pertinent in this circumstance and applicable to assessing the cause and effect of the groundwater conditions relative to public health and safety and

protection of the environment. Based on the reasons mentioned above, the NRC denied your petition to suspend the operating licenses of the Indian Point Nuclear Generating Unit Nos. 2 and 3. Your concern regarding underground leakage of contaminated water at Indian Point has been adequately resolved such that no further action is necessary.

The NRC staff sent a copy of the Proposed Director's Decision to you and to Entergy for comment on May 30, 2008. The staff did not receive any comments on the Proposed Director's Decision.

The issues in this Director's Decision involved your concerns related to the SFP leakage from Indian Point and your subsequent request to have the operating licenses for Indian Point Nuclear Generating Unit Nos. 2 and 3 suspended. The petition was denied based on conclusions reached by Entergy investigations and NRC inspection efforts which have determined that public health and safety have not been, nor are likely to be, adversely affected. Additionally, the dose consequence to the public attributable to current onsite conditions associated with groundwater contamination is negligible with respect to conservatively established NRC regulatory limits.

A copy of the enclosed Director's Decision (DD-08-02) will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the decision within that time. The documents cited in the enclosed decision are available in ADAMS for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Public Electronic Reading Room).

I have also enclosed a copy of the notice, "Issuance of Director's Decision Under 10 CFR 2.206," that has been filed with the Office of the Federal Register for publication.

Please feel free to contact John Boska at (301) 415-2901 to discuss any questions related to this petition.

Sincerely,

***/RA/***

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosures: Director's Decision 08-02
*Federal Register* Notice

cc w/encls: See next page

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Sincerely,
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Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286
Enclosures: Director's Decision 08-02
*Federal Register* Notice
cc w/encls: See next page

DISTRIBUTION: G20070540/LTR-07-0459
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Package: ML082070063
Incoming: ML072190190
Response: ML082060656

Enclosure 1: ML082060634
Enclosure 2: ML082060642

*via email

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