



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

July 16, 2014

Ms. Marilyn Elie  
7 John Dorsey Dr.  
Cortlandt Manor, NY 10567

Dear Ms. Elie:

I am writing in response to your June 4, 2014, letter to Mr. William Dean regarding our Annual Assessment meeting for the Indian Point Nuclear Station. That meeting took place that same day in Cortlandt Manor, N.Y. As the U.S. Nuclear Regulatory Commission (NRC) Region I Branch Chief responsible for Indian Point, I served as the coordinator for the meeting. Your letter raises concerns about the relicensing of Indian Point, the storage of spent nuclear fuel, and the NRC's interaction with the Bureau of Coastal Management. Throughout our response, you will find references to publically available documents identified by Accession Numbers (ML#). These documents can be retrieved using the NRC's web-based Agency Documents Access and Management System (ADAMS). To retrieve the document, enter the Accession Number in the Document Properties field located in the Advanced Search tab at the following webpage: <http://adams.nrc.gov/wba/>. Webpage links are also provided throughout the document where applicable.

Regarding your question about the Indian Point Water Quality Certificate (WQC) and Final Rule issued by the U.S. Environmental Protection Agency, the State of New York has the authority to issue permits and certifications under the Clean Water Act (CWA). Entergy is continuing to operate under its existing WQC and State Pollutant Discharge Elimination System (SPDES) permit. The current operating licenses for Indian Point Units 2 and 3 remain in effect under the NRC's "timely renewal" provision of Title 10 of the *Code of Federal Regulations* (10 CFR) 2.109(b). This states, "If the licensee of a nuclear power plant licensed under 10 CFR 50.21(b) or 50.22 files a sufficient application for renewal of either an operating license or a combined license at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined." This will continue to be in effect during Entergy's pending application for a SPDES permit under the CWA in the ongoing New York State adjudication. The NRC has not yet determined whether it may or may not issue a renewed license for the operation of Indian Point Units 2 and 3 prior to the completion of New York's administrative proceedings.

Regarding your question about fuel pools and dry-cask storage, the NRC Chairman, along with the other four members of the Commission that oversee NRC policy and decision-making, recently articulated their views on the expedited transfer of spent fuel to dry cask storage. The voting record can be found on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/commission/comm-secy/2013/2013-0030comvtr.pdf>. Each Commissioner decides these matters based on his or her own careful evaluation. Ultimately, the Commission voted against requiring the expedited transfer of fuel. Indian Point began using dry cask storage for some of its spent nuclear fuel several years ago. As is the case at other U.S. nuclear power

M. Elie

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plants, Indian Point schedules periodic dry cask loading campaigns, during which a number of spent fuel assemblies are removed from the spent fuel pools and moved into dry casks.

Regarding your question about the Bureau of Coastal Management, the NRC is engaged with the New York State (NYS) Department of State (DOS) regarding the coastal zone management act (CZMA) consistency review regarding the renewal of the licenses for Indian Point. These interactions include formal letters between the NRC and NYS DOS (ML13346A960, ML14024A064, ML14023A586, ML14156A168) and summary of status calls (ML14136A005, ML14024A372).

Thank you for your questions regarding the Indian Point Nuclear Station. I hope this response addresses your concerns.

Sincerely,

*/RA/*

Arthur L. Burritt, Chief  
Reactor Projects Branch 2  
Division of Reactor Projects

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