



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555-0001

August 19, 2015

Alden H. Wolfe, Chairman of the Legislature and
Fellow Members of the Rockland County Legislature
Rockland County Legislature
11 New Hempstead Road
New City, NY 10956

Dear Mr. Wolfe and Fellow Members of the Rockland County Legislature,

Thank you for taking the time to write to the Atomic Safety and Licensing Board Panel (ASLBP) regarding license amendment requests involving the Indian Point nuclear power plant. The U.S. Nuclear Regulatory Commission understands your significant interest in Indian Point given your county's proximity to the plant.

Before I discuss the ASLBP's approach to making pre-hearings and hearings accessible to the public, I first want to clarify some important information. Your letter states that there are currently three Indian Point license amendment requests under consideration by the ASLBP. The requests cited are a deferral of reactor vessel head inspections, a postponement of control rod "problems," and a delay in the frequency of steam generator tube inspections.

In fact, the NRC Staff has already issued decisions on those three requests. Specifically, the license amendments for the reactor vessel head inspections issue were issued for Unit 2 on Jan. 14, 2014, and for Unit 3 on March 4, 2015; for the control rod change on April 2, 2015; and for the Units 2 and 3 steam generator tube inspections on May 26, 2015. No requests for hearings on those license amendments were submitted during the appropriate windows of time and, therefore, no ASLBP proceedings concerning those amendments are pending.

The ASLBP currently is adjudicating two proceedings regarding the Indian Point facility. The first is a proceeding related to the renewal of the licenses for Units 1 and 2, which has been ongoing since 2008. The second is a hearing request regarding a proposed license amendment to change the frequency of a leak test for Unit 2's containment building integrity. For the latter proceeding, a three-judge licensing board heard oral arguments on July 30, 2015 to consider the hearing request filed by the New York State Attorney General's Office. A transcript of the oral argument may be accessed at <http://ehd1.nrc.gov.ehd>. The licensing board anticipates issuing a decision in September that resolves whether New York's request satisfies the regulatory requirements for an evidentiary hearing during which expert witnesses would testify on the matter.

This brings me to your concerns about public accessibility when it comes to ASLBP proceedings. The ASLBP's policy is, when practicable, to hold evidentiary hearings near the facility in question. Consistent with that policy, the licensing board conducting the Indian Point license renewal proceeding (which is a different board from the one considering New York's

challenge to the proposed license amendment) conducted an evidentiary hearing in Tarrytown, New York, in the fall of 2012. That licensing board is planning to hold another evidentiary hearing on different contentions in Tarrytown during the week of Nov. 16, 2015.

All other hearing-related matters prior to the evidentiary hearing are characterized as "pre-hearings." This would include oral arguments, scheduling conferences, teleconferences, etc. Such sessions are conducted in a manner that promotes convenience and efficiency for the parties and the licensing board and, as such, are often held by telephone or in the ASLBP's Rockville Hearing Room. That said, I would stress that all pre-hearings are open to the public and are recorded by a court reporter, with the transcript available to the public not long after the session. Also, the ASLBP routinely makes it possible for members of the public to hear a pre-hearing session via a listen-only teleconference line. Licensing board orders provide the information for interested members of the public to access those lines. Such listening capabilities were made available for the July 30th oral argument session pertaining to the Indian Point 2 containment testing hearing request.

The NRC and the ASLBP understand the need for transparency and accessibility and seek to achieve both to the greatest degree possible consistent with the important goal of adjudicatory efficiency. We believe the current approach works to achieve those ends.

Sincerely,



Margaret J. Bupp
Chief Counsel

cc: NRC/OPA
NRC/OCA

Identical copies sent to Rockland County Legislators:

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