

May 27, 2005

Andrew J. Spano, Executive
Westchester County
148 Martine Avenue
White Plains, NY 10601

Dear Mr. Spano:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 30, 2005, forwarding comments on the draft update of the NRC's license renewal implementation guidance documents. The notices of availability and request for comments on the guidance documents were published in the *Federal Register* on February 1, 2005 (70 FR 5254) and February 2, 2005 (70 FR 5494). In your letter, you also enclosed a letter from your consultants that provided comments on the requirements and process used for renewing the operating licenses of nuclear power plants. In addition, you expressed concerns with the current operation of the Indian Point Energy Center (Indian Point).

Regarding your comments on the draft license renewal guidance documents, the NRC staff will address your comments in conjunction with the other comments received during the public comment period on the documents. The resolution of all comments received will be documented in a separate report that will be issued with the final version of the guidance documents. We are scheduled to issue the final documents by September 30, 2005. A number of the topics raised in your letter were previously discussed with county legislators and local officials who attended a meeting at the NRC's Rockville, Maryland, headquarters on March 2, 2005, and at a subsequent meeting with these and other officials in White Plains, New York, on April 11, 2005.

You also expressed concerns regarding the renewal of the Indian Point operating licenses. Entergy Nuclear Operations, Inc. (Entergy) has not informed the NRC of its intention to seek renewal of the Indian Point operating licenses. At such time that the NRC receives an application for a renewed license, the NRC staff will review both the safety issues in accordance with the requirements of Part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 54) and environmental issues in accordance with the requirements of 10 CFR Part 51. The licensee will have to provide the NRC with an evaluation that addresses the technical aspects of plant aging and describes how the aging will be managed. Also, as part of the license renewal application, the licensee will have to prepare an evaluation of the potential impact on the environment to support plant operation for the period of extended operation. Some licensee programs, such as security and emergency planning, have periodic update requirements throughout the current operating term that would continue during the period of extended operation. Likewise, existing programs that monitor performance of safety systems would remain in effect to ensure these systems are capable of performing their intended safety functions. These programs provide reasonable assurance that an acceptable level of protection is provided today and will continue to be provided if the licenses are renewed. However, we recognize that you formally requested changes to NRC's license renewal process in 10 CFR Part 54 on May 10, 2005, pursuant to the provisions contained in 10 CFR 2.802, and a response to your request will be provided by separate correspondence.

Additional information about license renewal can be found on the NRC Web site at <http://www.nrc.gov/reactors/operating/licensing/renewal.html>.

As with any licensing activity, the public will have an opportunity to participate in NRC's decision-making process with regard to license renewal. Guidance that would be used during the review of an application is based not only on NRC views, but on industry experience and the expertise of technical organizations and professional societies. The public, in general, is encouraged to participate in the process through public meetings and public comment periods on the application. In addition, members of the public have an opportunity to request a formal adjudicatory hearing if they would be adversely affected by a proposed license renewal.

Your letter also expressed concerns with the current operation of Indian Point. The NRC considers Indian Point to be operated safely and the current security posture to be strong, as reflected in the NRC's 2004 Annual Assessment letter to Entergy dated March 2, 2005, (http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/LETTERS/inpt_2004q4.pdf). The NRC staff has determined that Entergy operated Indian Point in a manner that preserved public health and safety, and fully met all cornerstone objectives of the NRC's Reactor Oversight Program. Plant performance at both units during the first quarter of 2005 was also within the Licensee Response Column of the NRC's Action Matrix, based on all inspection findings being classified as having very low safety significance (Green) and all PIs indicating performance at a level requiring baseline NRC oversight (Green). The information we used in our 2004 Annual Assessment, and information being developed as part of the 2005 Annual Assessment, are available to the public through the NRC's Web site, http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/IP2/ip2_chart.html.

As indicated in our August 19, 2004, letter to you, the NRC is committed to responding to stakeholder interests in the safety and performance of the facilities we oversee. We have long recognized the importance and value of open communications and external stakeholder involvement. In this regard, the NRC staff routinely conducts public meetings in the vicinity of the commercial nuclear power plants we regulate to provide factual information about our regulatory process and the results of NRC performance assessments; and to give members of the community and local officials the opportunity to ask questions and offer constructive comments on our oversight activities. As you are aware, on May 10, 2005, the NRC conducted the annual assessment meeting for Indian Point. Following this meeting, the NRC responded to questions on a broad range of issues, such as security, independent spent fuel storage, and the license renewal process.

On the basis of the actions taken to date by the licensee and the NRC's oversight, the NRC has concluded that the operation of the Indian Point facility is safe. The NRC continues to actively monitor the safety performance at Indian Point, and all of our nation's nuclear power plants, and is prepared to take measures to ensure the continued safety of those nuclear facilities.

A. Spano

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We appreciate your taking the time to submit your comments on the license guidance documents and the NRC's license renewal process.

Sincerely,

/RA/ (S. Lee for)

Pao-Tsin Kuo, Program Director
License Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

A. Spano

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Pao-Tsin Kuo, Program Director
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