

September 14, 2007

Lisa Rainwater, PhD
Riverkeeper
828 South Broadway
Tarrytown, NY 10591

Dear Dr. Rainwater:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated June [July] 3, 2007, in which you provided follow up comments to a June 13, 2007, stakeholder meeting between the NRC staff and representatives of Riverkeeper and Clearwater. In your letter, you requested a formal response to topics concerning the NRC's policy for the license renewal process and environmental justice:

The following responses are provided per your comments/questions:

1. *Comment:* The generic informational public meeting on the NRC relicensing process be separated from the environmental scoping meeting for all pending and future relicensing applications, so that those communities hosting nuclear power plants have the same opportunity for public participation as that provided for Indian Point.

Response: This concern was also raised in your letters to the NRC of May 2 and July 11, 2007. The NRC staff responded to this concern by letters dated June 26 and September 4, 2007.

2. *Comment:* The environmental scoping meeting for Indian Point be held in July or early August to avoid a low turnout due to many New York metropolitan area residents being on vacation the last two weeks of August.

Response: As you may know, the NRC staff issued a letter to Entergy on July 25, 2007, informing the applicant that the staff has accepted the Indian Point license renewal application for docketing, and providing a schedule of the staff's review. As indicated in the schedule attached to that letter, the NRC staff plans to hold its public scoping meeting on or around September 19, 2007.

3. *Question:* What is the methodology upon which the NRC has based its environmental justice license renewal regulatory guidelines?

Response: The NRC's consideration of environmental justice issues is conducted in accordance with applicable legal principles. For more information, you may wish to consult the NRC's "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions" (69 FR 52040), a copy of which was transmitted to Mr. Phillip Musegaas of your staff by E-mail on June 29, 2007.

4. *Question:* What is the radius required by the NRC for an owner/operator to conduct an environmental justice impact statement?

Response: In defining the geographic area of assessment for environmental justice impacts, the NRC's "Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions," 69 FR 52040, 52047 (August 24, 2004), states that the NRC's Office of Nuclear Reactor Regulation "normally uses a 50-mile radius that should be examined for licensing and regulatory actions involving power reactors. . . . However, these procedures provide that the distances are guidelines and that the geographic scale should be commensurate with the potential impact area and should include a sample of the surrounding population because the goal is to evaluate the communities, neighborhoods, and areas that may be disproportionately impacted."

With respect to your comments on NRC staff performance at the meeting, we have discussed the matter with other staff present at the meeting, and believe that the staff behaved appropriately and professionally. We have confidence that the NRC staff will conduct a thorough review of the Indian Point license renewal application. Nevertheless, we have forwarded your July 3, 2007, letter to the NRC Office of the Inspector General for its consideration, as appropriate.

Thank you for your interest in the NRC's license renewal process related to the Indian Point facility. The NRC staff will afford appropriate consideration to the concerns addressed in your letter, including those related to environmental justice, aquatic species and alternative energy sources, during the course of its review of the license renewal application.

Sincerely,

/RA Bruce A. Boger for/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

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/RA Bruce A. Boger for/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

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OFFICIAL RECORD COPY

Letter to L. Rainwater from J. E. Dyer, dated September 14, 2007

SUBJECT: RESPONSE LETTER TO FOLLOW UP TO JUNE 13, 2007, STAKEHOLDER
MEETING BETWEEN NRC RELICENSING STAFF AND REPRESENTATIVES
OF RIVERKEEPER, INC. AND CLEARWATER REGARDING INDIAN POINT

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