



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 26, 2011

The Honorable Nita M. Lowey
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Lowey:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to your letter of August 15, 2011, concerning Indian Point Nuclear Generating Units 2 and 3 (IP2 and IP3). This letter supplements the Secretary of the Commission's September 16 letter to you. In your letter, you stated that replacement power for IP2 and IP3 could be provided within a few years, rather than a 10-to-15 year period as had been previously assumed; the Governor of New York opposes the continued operation of IP2 and IP3; the New York State Department of Environmental Conservation has rejected the facility's request for a water quality permit to allow continued operation of the facility; other New York State agencies have acted to facilitate the provision of replacement power for IP2 and IP3; and the NRC should consider population density and evacuation issues in reaching a license renewal decision for IP2 and IP3. Further, you urged the NRC to work with the State of New York, and to issue a renewed license to IP2 and IP3, if found to be qualified, for no more than a short term, such as five years.

As you know, the NRC's authority to regulate U.S. commercial nuclear power plants derives from the Atomic Energy Act of 1954, as amended. Pursuant to that Act, the NRC is authorized to issue operating licenses, and to renew such licenses, upon finding that the issuance of such licenses is not inimical to public health and safety or the common defense and security, and that the license application satisfies applicable NRC regulations and requirements. The NRC's regulatory requirements governing the renewal of such licenses are set forth in 10 C.F.R. Part 54 ("Requirements for Renewal of Operating Licenses for Nuclear Power Plants"). Those regulations establish the scope of matters to be considered in reaching a decision on license renewal. Matters such as the availability of replacement power, actions or decisions on non-nuclear safety matters by state officials, population density, and evacuation planning are not included among the issues the NRC has determined to be relevant to license renewal under the regulations. Rather, issues such as replacement power availability and water quality permits are within the purview of New York State or other federal agencies, while population density and evacuation planning are addressed by the NRC on an ongoing basis as part of the NRC's oversight of the plants' existing operating licenses.

The NRC takes seriously its responsibilities for licensing and oversight of U.S. nuclear power plants, to assure that license renewal applicants satisfy all applicable regulatory requirements, and to assure that the plants continue to operate safely.

N. Lowey

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While it is too soon to know whether the NRC will issue renewed licenses for IP2 and IP3, I can assure you that any decision on license renewal will take into consideration all relevant matters, consistent with the NRC's statutory responsibilities. If you have any additional questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA by Martin J. Virgilio for/

R. W. Borchardt
Executive Director
for Operations

N. Lowey

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR
)	and 50-286-LR
(Indian Point Nuclear Generating Station,)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER FROM THE EXECUTIVE DIRECTOR OF OPERATIONS IN RESPONSE TO CONGRESSWOMAN NITA LOWEY'S LETTER OF AUGUST 15, 2011 have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 50-247-LR and 50-286-LR
LETTER FROM THE EXECUTIVE DIRECTOR OF OPERATIONS IN RESPONSE TO
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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 27th day of September 2011