

June 9, 2008

Mr. Thomas Gurdziel
9 Twin Orchard Drive
Oswego, NY 13126

Dear Mr. Gurdziel:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to our Executive Director for Operations, R. W. Borchardt, dated May 12, 2008. In your letter, you suggested improvements for the NRC, especially in regards to oversight of the Indian Point site and licensee Entergy Nuclear Operations, Inc. (Entergy). I apologize that we misplaced your previous letter on this topic. I hope this will respond to your concerns.

Indian Point is one of three sites that receive enhanced NRC oversight beyond what is prescribed by the reactor oversight process. As you know, Entergy has failed to meet requirements for a new siren system. Entergy is working with the Federal Emergency Management Agency (FEMA) to meet FEMA requirements. The new siren system is scheduled to be operable in August 2008. For failing to meet past deadlines for the new siren system, the NRC issued a \$130,000 civil penalty to Entergy on April 23, 2007, and a \$650,000 civil penalty on January 24, 2008. The current siren system at Indian Point remains operable and is capable of alerting the public, although it lacks backup power. The current siren system, combined with the other public notification methods available to the local counties, provide assurance that the surrounding communities can be notified in the case of an emergency. Nevertheless, the NRC will continue to monitor Entergy's progress and take enforcement actions as needed to achieve compliance by Entergy with the existing NRC Orders on the siren system.

The NRC also closely monitors groundwater contamination at Indian Point. The agency issued a comprehensive inspection report on this topic on May 13, 2008, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081340425). The NRC recently issued a license amendment for Indian Point Unit 1 which allows Entergy to begin transferring spent fuel from the spent fuel pool to dry cask storage. NRC regional inspectors will be onsite in June 2008 to observe practice runs. Entergy predicts that all the fuel assemblies and most of the water will be removed from the Unit 1 spent fuel pool before the end of 2008. This will terminate the leakage from that pool. Using numerous monitoring wells, Entergy conducts a long-term groundwater monitoring plan with which the NRC has concurred. You expressed some concern about whether all Entergy ownership organizations have agreed to follow the recommendations. The NRC has the authority to take enforcement action against licensees (the companies listed on the license). This authority is sufficient to compel action when needed. We have not experienced any difficulties with the Entergy parent organizations.

As you noted in your letter, Entergy has submitted an application for license renewal of Indian Point Units 2 and 3 for an additional 20 years. Entergy has also requested an indirect license transfer of several of their nuclear plants, including Indian Point Units 1, 2, and 3, to a new company. The NRC is reviewing both of those applications. I can assure you that the agency is conducting a comprehensive review and will not approve either application unless Entergy meets all of our requirements.

T. Gurdziel

- 2 -

From your letters in our document archives, I can see that you frequently correspond with the NRC. The agency appreciates your input. I can assure you that the NRC staff is very serious about our mission to "license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment." We do not promote the growth of the nuclear industry or high capacity factors. Thank you for your interest in these matters.

Sincerely,

/ra/

Timothy J. McGinty, Acting Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

From your letters in our document archives, I can see that you frequently correspond with the NRC. The agency appreciates your input. I can assure you that the NRC staff is very serious about our mission to "license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment." We do not promote the growth of the nuclear industry or high capacity factors. Thank you for your interest in these matters.

Sincerely,

/ra/

Timothy J. McGinty, Acting Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Distribution: G20080363/EDATS: EDO-2008-0411

PUBLIC

RidsNrrDorlLp1-1

RidsNrrPMJBoska

LPL1-1 Reading File

RidsNrrLASLittle

RidsAcraAcnw&mMailCenter

RidsNrrDorl

RidsRgn1MailCenter

RidsEDOMailCenter

RidsOPAMail

RidsNrrMailCenter Resource

RidsOGCMailCenter

RidsNrrOd

RidsNrrAdes

RidsNrrAdro

RidsSecyMailCenter

Incoming: ML081480388

Response: ML081500423

Package: ML081500635

*Concurred via email

OFFICE	LPL1-1/PM	LPL1-1/LA	Tech Editor*	LPL1-1/BC
NAME	JBoska	SLittle	CHsu	MKowal
DATE	6/9/08	5/30/08	6/2/08	06/03/08
OFFICE	DORL/D			
NAME	TMcGinty(A)			
DATE	6/9/08			

OFFICIAL RECORD COPY