

December 20, 2001

The Honorable Robert W. Elliott
Mayor of the Village of Croton-on-Hudson
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520

Dear Mayor Elliott:

I am responding to your letter of November 26, 2001, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) in which you raised concerns about the security of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP 2 and 3). You also forwarded a resolution by the Board of Trustees of the Village of Croton-on-Hudson to join (as a co-petitioner) a coalition of environmental and civic groups, public health advocates, and elected officials that has filed a petition with the NRC. Among other actions, the petition requests (1) the shutdown of IP2 and 3 pending a full review of the plant's vulnerability and safety systems, including evacuation measures, and (2) the transfer of the fuel currently in spent fuel pools to a dry cask storage system. You further stated that the Village was seeking an assessment of the feasibility of converting IP2 and 3 to non-nuclear-fueled plants.

On the basis of the issues you raised, the NRC staff assumes that the petition referred to in the Village's resolution is the petition from the Riverkeepers, Inc., et. al., dated November 8, 2001, filed with the NRC pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Riverkeepers' petition is the only petition regarding IP2 and 3 currently before the NRC. My staff has attempted to confirm this assumption with your office on several occasions without success. The NRC staff is adding the Board of Trustees of the Village of Croton-on-Hudson to the list of petitioners on the Riverkeepers' petition. If the NRC staff's assumption is not correct, please inform me.

As stated in our enclosed December 20, 2001, letter to Riverkeepers, Inc., under normal circumstances, we closely follow NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," when reviewing requests for enforcement action; however, since the petition involves sensitive security issues, we are deferring application of certain public participation provisions of the MD 8.11 process pending further developments in our currently ongoing security review of nuclear facilities. The petition is being reviewed by members of the NRC's Office of Nuclear Reactor Regulation. We will take action on the petition within a reasonable time, using the 10 CFR 2.206 Petition process where possible. We will also periodically inform Riverkeepers, Inc., of the status of our review.

With regard to your request that the NRC assess the feasibility of converting IP2 and 3 to non-nuclear-fueled plants, the NRC does not have jurisdiction over such matters. Conversion would be an economic decision made by the licensee with review by the Public Service Commission of

Mayor R. Elliott

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the State of New York. However, when a licensee informs the NRC that it will permanently cease operation of its facility, it must submit certain documentation to the NRC in accordance with 10 CFR 50.82, "Termination of license."

I appreciate your concerns and hope that you find this information useful. If you should have any further questions, please feel free to contact me at 301-415-1353 or Patrick Milano at 301-415-1457.

Sincerely,

/RA/

Elinor G. Adensam, Director
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Enclosure: December 20, 2001, NRC letter
to Riverkeepers, with attachments

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