



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 28, 2002

SECRETARY

Parents Concerned About Indian Point
Attention: Juliana Freehand
P.O. Box 93
Croton-on-Hudson, New York 10520

RE: Petition to Reopen 1983 Proceedings, dated February 13, 2002.

Dear Ms. Freehand:

The Commission has received your petition to reopen the 1983 Indian Point proceedings concerning the adequacy of the Indian Point Emergency Evacuation Plan. See Consolidated Edison Company of New York (Indian Point, Unit 2), CLI-83-11, 17 NRC 731 (1983); CLI-83-16, 17 NRC 1006 (1983). However, once the Commission has taken an action that closes a proceeding and the time for judicial review has expired, petitions to reopen the proceeding will not be entertained. See Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-92-12, 36 NRC 62, 67 (1992). This is especially true when the proceedings were completed almost 20 years ago. To allow for the reopening of a 20-year-old adjudication would destroy the presumption of finality that must attend the results of any agency's action. In addition, we note that you were not a party to the larger proceeding then underway concerning Indian Point. See Consolidated Edison Company of New York (Indian Point, Unit 2) CLI-82-15, 16 NRC 27, 30-33 (1982). Only a party to a proceeding can request to reopen the record of that proceeding. Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-92-1, 35 NRC 1, 6 (1992).

The NRC Staff maintains regulatory oversight of the overall emergency response plans of all licensees. However, if you believe that the Indian Point emergency evacuation plan needs to be altered because of your concerns, you may file a petition for action with the NRC Staff under 10 C.F.R. §2.206. The Staff may take any number of actions, including initiating a formal proceeding. If the Staff does initiate a proceeding, you may then move to intervene in that proceeding.

In the alternative, you should note that the Commission initiated the 1983 proceeding in response to a notice from the Federal Emergency Management Agency ("FEMA") advising that the emergency preparedness program at Indian Point was inadequate at that time. You may wish to discuss this matter with FEMA, which continues to play a role in the area of emergency planning.

Sincerely,

A handwritten signature in black ink that reads "Annette Vietti-Cook".

Annette L. Vietti-Cook
Secretary to the Commission