

December 5, 2007

Mr. Sherwood Martinelli
351 Dyckman Street
Peekskill, New York 10566

SUBJECT: 2.206 - INDIAN POINT (SAFESTOR)

Dear Mr. Martinelli:

Your petition dated September 28, 2007, addressed to Dr. Dale E. Klein, Chairman of the U.S. Nuclear Regulatory Commission (NRC or Commission) has been referred to me pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, of the Commission's regulations. As the basis for your request, you state that you believe the Indian Point 1 (IP-1) facility to be in violation of its SAFSTOR status.

Your petition requested that the NRC promptly place IP-1 into full decommissioning status, so that the licensee can fulfill its obligation to complete decommissioning of the facility within the 60 year period allowed.

Our Petition Review Board has reviewed your submittal. The staff has concluded that your submittal does not meet the criteria for consideration under 10 CFR 2.206 because it is not a request for an enforcement-related action, but instead is a request for a licensing action. The current license provides that IP-1 shall be decommissioned at the same time that Indian Point 2 is decommissioned. IP-1 is authorized to store spent fuel pursuant to IP-1 Technical Specification TS 2.2.2, which provides that the Fuel Handling Building and spent fuel storage pool will contain the spent fuel until such time as the spent fuel is transferred to the U.S. Department of Energy, or as authorized by 10 CFR Part 72.

However, NRC staff will consider your concerns separately. You will receive further correspondence from my office in the near future.

Sincerely,

/RA George Pangburn for/

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 50-003

cc: Indian Point Nuclear Generating Station, Unit 1 Service List

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