



SECRETARY

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

January 30, 2008

Susan Shapiro, Esquire
12 Perlman Drive
Spring Valley, NY 10977

RE: Objection to NRC's grant of an exemption to Indian Point Unit 3

Dear Ms. Shapiro:

We received your petition on behalf of several organizations expressing your objection to the U.S. Nuclear Regulatory Commission's (NRC) September 28, 2007 grant of an exemption concerning Indian Point Unit 3 fire protection standards. The action you are challenging is an exemption from NRC regulations; it is not a license amendment as asserted in your petition. In *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-00-5, 51 NRC 90 (2000), the Commission examined the text and legislative history of §189a. of the Atomic Energy Act and concluded that the Atomic Energy Act does not provide for hearings on exemptions from NRC regulations. See also *Kelley v. Selin*, 42 F.3d 1501, 1517 (6th Cir. 1995), ("[T]he grant of an exemption from a generic requirement does not constitute an amendment to the reactor's license that would trigger hearing rights.") Accordingly, your request for a hearing is denied.

Sincerely,

/RA/

Annette Vietti-Cook

Martin J. O'Neill, Esquire