



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 26, 2001

Mr. Timothy L. Judson
Citizens Awareness Network, Inc.
140 Bassett Street
Syracuse, N.Y. 13210

In the Matter of
POWER AUTHORITY OF THE STATE OF NEW YORK, ET AL.
(James A. FitzPatrick Nuclear Power Plant and
Indian Point Nuclear Generating Unit No. 3)
Docket Nos. 50-333-LT and 50-286-LT

Dear Mr. Judson:

This letter is in response to your letter dated January 23, 2001. In your letter, you referenced the NRC Staff's Notice of Sponsoring Witnesses filed January 16, 2001, and requested that the NRC Staff provide you with copies of written testimony by the Staff that you apparently assumed the Staff would present at the oral hearing.

As I explained to you during our telephone conversation of February 2, 2001, the Staff was not intending to submit written testimony in advance of the oral hearing. The purpose of the Staff's January 16 Notice was simply to identify the Staff's witnesses who will sponsor the Staff's relevant safety evaluation reports, and respond to questions.

As you know, the Presiding Officer issued a Memorandum and Order (NRC Staff Participation) (Feb. 8, 2001) and Memorandum and Order (CAN's Revised Contention on Financial Qualifications) (Feb. 5, 2001), in which he (1) requested the NRC Staff's views on the NRC's authority to control decommissioning expenditures of the Power Authority of the State of New York subsequent to the license transfers that are the subject of this proceeding, and (2) invited the Staff's views on NRC requirements with respect to the submission by applicants of cost and revenue estimates for the purpose of demonstrating financial qualifications. In response to item (1), the Staff is filing this same date a brief containing the requested Staff views. Staff counsel will be prepared at the oral hearing to answer questions concerning these views as presented in the brief. With respect to item (2), the Staff has chosen not to file any written testimony at this time since the Staff's safety evaluations, which all parties have had copies of, essentially provide the Staff's views. Accordingly, the Staff's intention to not file any written testimony before the oral hearing has not changed since our telephone conversation.

Sincerely,

Steven R. Horn
Counsel for NRC Staff

cc: Service List