

January 29, 2002

Ms. Susan Maggiotto  
Clerk for the Village of Hastings-on-Hudson  
Municipal Building  
4 Maple Avenue  
Hastings-on-Hudson, NY 10706

Dear Ms. Maggiotto:

I am responding to the resolution dated November 21, 2001, that you forwarded to the U.S. Nuclear Regulatory Commission (NRC) in which the Board of Trustees of the Village of Hastings-on-Hudson raised concerns about the security of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3). In part, on the basis of the terrorist attacks on September 11, 2001, and the possibility of future attacks on the nation's infrastructure, the Trustees requested that the NRC take the following actions: (1) order an immediate shutdown of IP2 and 3; (2) convene an independent panel to review the facilities vulnerabilities, security measures and evaluation plans; (3) mandate the immediate deployment of specifically listed security measures; and (4) order the review and revision of the licensee's Emergency Response Plan and Westchester County's Radiological Emergency Response Plan to account for possible terrorist attacks. In addition, the Board requests that if, after conducting a full review of the facility's vulnerabilities, security measures, and evacuation plans, the NRC finds that it cannot sufficiently ensure the security of the IP facility against terrorist threats, the NRC should take prompt action to permanently retire the facility. Separately from the above issues, the Board requests that the NRC order the licensee to undertake the immediate conversion of the current spent fuel storage technology from a water-cooled system to a dry cask system.

On the basis of the issues raised, the NRC staff found that the actions detailed in the Village's resolution were the same as those stated in 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). In a telephone conversation with you on December 27, 2001, the NRC staff discussed the existing petition and the NRC's petition review process. On the basis of this information, you stated that it would be acceptable to add the resolution from the Village of Hastings-on-Hudson as a supplement to the November 8 petition and to add the Board of Trustees to the list of petitioners.

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 MD 8.11 process where possible. We will also periodically inform Riverkeepers, Inc., of the status of our review.

S. Maggiotto

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I appreciate concerns expressed by the Board of Trustees and hope that they 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

S. Maggiotto

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