

March 13, 2002

Dr. Bruce L. Dennis
Superintendent of Schools
Bedford Central School District
P.O. Box 180
Mount Kisco, NY 10549

Dear Dr. Dennis:

I am responding to your letter of December 13, 2001, to Dr. William D. Travers, Executive Director for Operations of the U.S. Nuclear Regulatory Commission (NRC), forwarding a resolution by the Bedford Central School District Board of Education concerning the security of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3). In the Resolution, the Board of Education states that it is joining a coalition of environmental and civic groups and elected officials that has filed a petition with the NRC. Among other actions, the petition requests: (1) the shutdown of IP2 and 3 pending a full review of the plant's vulnerability and safety systems, including evacuation measures, (2) the immediate deployment of security measures sufficient to repel a terrorist attack on the facility, and (3) the transfer of the fuel currently in spent fuel pools to a dry cask storage system. The Board of Education also stated that it supports the decertification of the Westchester County Radiological Emergency Response Plan.

In the Resolution, the Board of Education refers to the petition from the Riverkeeper, 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). On the basis of your December 13 letter, the NRC staff added the Board of Education to the list of petitioners on the Riverkeeper's petition.

As stated in our enclosed December 20, 2001, letter to Riverkeeper, 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 Riverkeeper, Inc., of the status of our review.

Regarding the Board's resolution about the Westchester County Radiological Emergency Response Plan, the NRC and the Federal Emergency Management Agency (FEMA) are the two Federal agencies responsible for evaluating emergency preparedness at and around nuclear power plants. The NRC is responsible for assessing the adequacy of onsite emergency plans developed by the utility, while FEMA is responsible for assessing the adequacy of offsite emergency planning. The NRC relies on FEMA's findings in determining that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. Accordingly, we have forwarded your letter to FEMA so they are aware of the Board's resolution. Concerning the certification of emergency plans, in late

B. Dennis

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January 2002, the State of New York issued its annual letter of certification for Westchester and the other counties to FEMA. By this letter the State informs FEMA that specific preparedness activities have been completed including training and the updating of State and local plans. However, further update of the State and local plans is still ongoing.

I appreciate your concerns and hope that you 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 Riverkeeper, with attachments

B. Dennis

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