

August 21, 2007

Mr. Mark E. Leyse  
P.O. Box 1314  
New York, NY 10025

Dear Mr. Leyse:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 17, 2007 (Adams Accession No. ML072000374). You requested that I overrule the decision of the Petition Review Board (PRB) of the Office of Nuclear Reactor Regulation and ask them to accept your petition for an emergency shutdown of Indian Point Nuclear Generating Units Nos. 2 and 3 (IP2 and IP3). In your letter you claim that deficiencies exist in the emergency core cooling systems at IP2 and IP3 and, therefore, request that we shutdown both plants. The PRB informed you of its decision on your petition by letter to you dated May 31, 2007 (ADAMS Accession No. ML071500238). On July 31, 2007, the PRB reviewed your July 17, 2007 letter to determine if there was any additional information which would change its initial decision. The PRB concluded that the original decision remains unchanged.

I have reviewed the information you presented and I concur with the PRB's decisions. The NRC previously reviewed the emergency core cooling system evaluation calculations for IP2 and IP3 in accordance with our review criteria and found them acceptable. Therefore, you did not provide facts sufficient to constitute a basis for the requested action and did not meet the criteria for acceptance of a petition as stated in NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." The PRB appropriately did not accept your petition for review.

As the PRB noted in its letter to you, your concerns are generic which are more appropriately addressed by a petition for rulemaking, and you have submitted such a petition (ADAMS Accession No. ML070871368, Docket PRM-50-84). The NRC is now reviewing your petition for rulemaking which was published for public comment in the *Federal Register* on May 23, 2007 (72 FR 28902). We will communicate with you periodically to inform you of the status of our review.

Sincerely,

/RA/

Luis A. Reyes  
Executive Director  
for Operations

cc: See next page

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New York, NY 10025

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I have reviewed the information you presented and I concur with the PRB's decisions. The NRC previously reviewed the emergency core cooling system evaluation calculations for IP2 and IP3 in accordance with our review criteria and found them acceptable. Therefore, you did not provide facts sufficient to constitute a basis for the requested action and did not meet the criteria for acceptance of a petition as stated in NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions." The PRB appropriately did not accept your petition for review.

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Sincerely,

/RA/

Luis A. Reyes  
Executive Director  
for Operations

cc: See next page  
Docket Nos.: 50-247 and 50-286

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**ADAMS Accession Nos.: Package: ML072140837**

\*concurrence via email

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LTR. TO MARK LEYSE FROM LUIS A. REYES RE: OVERRULE DECISION OF THE PRB  
AND 2.206 PETITION, DATED: 08/21/07

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