

February 5, 2002

Ms. Frances C. Mullin  
Town Clerk  
Town of Stony Point  
74 East Main Street  
Stony Point, NY 10980-1698

Dear Ms. Mullin:

I am responding to your letter of December 12, 2001, to the Chairman of the U.S. Nuclear Regulatory Commission (NRC) forwarding Town of Stony Point Resolution 01-29 which raises concerns about the security of the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and 3). In the Resolution, the Town Board states that it is joining a coalition of government, business, civic, and environmental leaders 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 Town Board also was seeking an assessment of the feasibility of converting IP2 and 3 to non-nuclear-fueled plants.

On the basis of the issues raised, the NRC staff found that the actions detailed in the Town of Stony Point Resolution 01-29 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). Therefore, the NRC staff is adding the Town Board of the Town of Stony Point to the list of petitioners on the Riverkeepers' petition. If the NRC staff's action is not correct, please inform me.

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.

With regard to the request that the NRC assess the feasibility of converting IP2 and 3 to non-nuclear-fueled plants, the NRC does not have jurisdiction over such matters. Conversion would be an economic decision made by the licensee with review by the Public Service Commission of the State of New York. However, when a licensee informs the NRC that it will permanently cease operation of its facility, it must submit certain documentation to the NRC in accordance with 10 CFR 50.82, "Termination of license."

F. Mullin

- 2 -

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 Riverkeepers, with attachments

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 Riverkeepers, with attachments

DISTRIBUTION:

PUBLIC (w/incoming)	S. Collins/J. Johnson	J. Goldberg, OGC	OPA
PDI-1 R/F (w/inc)	B. Sheron	P. Eselgroth, R-I	OCA
W. Travers	W. Borchardt	P. Milano	OSP
W. Kane	H. Miller, R-I	S. Little	SECY (CRC LTR- 02-0038)
C. Paperiello	J. Zwolinski	R. Bores, R-I	T. Carter
P. Norry	E. Adensam	S. Black	(GT20020034)
J. Craig	J. Munday	R. Subbaratnum	K. Johnson
K. Cyr/S. Burns		L. Cox	

TAC Nos. MB3890 and MB3891

INCOMING NO: ML020280112

ACCESSION NO: ML020350389

PACKAGE: ML020350422

Attachments: ML013510656, ML003670845, ML013600445 \*See previous concurrence

OFFIC E	PDI-1/PM	PDI-1/LA	PRB/Coord*	PDI-1/ASC	PDI/D
NAME	PMilano	SLittle	RSubbarathnum	JMunday	EAdensam
DATE	02/05/02	02/05/02	01/30/02	02/05/02	02/05/02

OFFICIAL RECORD COPY