

Champ, Billie

From: Dacus, Eugene
Sent: Wednesday, April 28, 2010 11:53 AM
To: Champ, Billie
Cc: Belmore, Nancy; Powell, Amy; Schmidt, Rebecca; Collins, Sam; Turk, Sherwin; Mallett, Bruce; Holian, Brian; Droggitis, Spiros; Williamson, Edward; Dusaniwskyj, Michael; Tift, Doug; McNamara, Nancy
Subject: IPSEC Concern
Attachments: IPSEC.pdf

Billie,

The attached letter was sent by Congresswoman Lowey. She is requesting that the NRC provide a written response to her on this matter.

Gene

**Indian Point Safe Energy Coalition (IPSEC)
Westchester Citizens Awareness Network (WestCAN)
Public Health and Sustainable Energy (PHASE)**

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4/16/10

Senator Kirsten Gillibrand
Senator Charles Shumer
Congressman John Hall
Congresswoman Nita Lowey
Congressman Eliot Engel
Congressman Maurice Hinchey
Governor David Paterson
Attorney General Andrew Cuomo

RE: NRC denies Stakeholders right to request a hearing on the NRC's approval of a shortfall in decommissioning funds for Indian Point.

Dear Congressional Delegation, Governor and Attorney General:

The Indian Point Safe Energy Coalition (IPSEC), Westchester Citizens Awareness Network (WestCAN) and Public Health and Sustainable Energy (PHASE) have asked the NRC for a public hearing about Entergy's lack of adequate funds to decommission the Indian Point Nuclear plant. (Attachment #1).

The NRC recently approved a \$38.6 million shortfall in Entergy's decommissioning fund. They also extended the time to clean up the site by an additional 50 years without factoring in the increased costs of decommissioning due to the historical and currently continuing known leaks of radioactively contaminated water and the permanent use of the site for high level and low level radioactive waste storage, some of which has been transferred to dry cask storage on the banks of the Hudson River. We contend that these are significant and substantive modifications in the license requirements. The Atomic Energy Act guarantees hearing rights of Stakeholders who request a hearing regarding significant modifications of the operating licenses of nuclear facilities.

Yet, the NRC denied our petition by claiming that local organizations "must already be a "party" to a pre-existing "proceeding under section 189 of the Atomic Energy Act". No such proceeding exists here and you are not a "party." They claim there is "no proceeding" since they have named this significant license modification

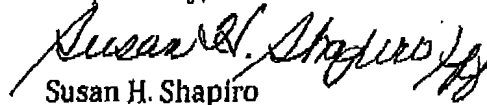
a "finding" instead of a proceeding. This circular reasoning bars public participation as required by Congressional legislation, it circumvents Congressional intent, and it denies legal standing to Stakeholders living within 50 miles of a nuclear facility. (Attachment #2).

We are very concerned that the NRC has once again significantly modified the license for Indian Point without holding required and requested public hearings. These significant license modifications, significantly increase the risk to the environment, public health and safety, and create enormous public liabilities.

The NRC representative suggested we file a 2.206 Petition. However, 2.206 petitions are enforcement actions against the nuclear facility operators, not against the NRC staff and Commission for violating the Atomic Energy Act, and therefore not applicable. The NRC has for years used their 2.206 petitions to prevent meaningful public participation.

We request that you intervene on our behalf to enforce the laws and intent of Congress in the Atomic Energy Act by requiring the NRC to hold the required public hearings on these significant license modifications.

Respectfully,



Susan H. Shapiro

Representing:

Indian Point Safe Energy Coalition (IPSEC), Westchester
Citizens Awareness Network (WestCAN)
Public Health and Sustainable Energy (PHASE)