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VIA E-MAIL secy@nrc.gov

Annette L. Vietti-Cook
 Secretary of the Commission
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555-0001

Re: Request for Extension of Deadline for Hearing Requests & Petitions To Intervene in the Review of the Power Authority of the State of New York's Application for Transfer of Facility Operating License and Proposed License Amendment for Indian Point Nuclear Generating Unit No. 3 (Docket No.: 50-286)

Dear Secretary:

In connection with the application (the "Application") of the Power Authority of the State of New York ("PASNY") to transfer the Facility Operating License and Proposed License Amendment for Indian Point Nuclear Generating Unit No. 3 (Docket No. 50-286), the County of Putnam (the "County" or "Putnam") hereby requests, pursuant to 10 CFR §§ 2.1312 and 2.1325, that the Nuclear Regulatory Commission (the "Commission") extend the deadline for submission of Hearing Requests and Petitions to Intervene in the above-captioned proceeding from July 18th to July 31st, a date that is forty-five days after the date of the initial posting of the Application on June 16, 2000, in accordance with the provisions of 10 CFR 2.1306(c)(2). This is the same date that the Commission granted the Citizens Awareness Network, Inc. when it requested an extension in this proceeding.

Briefly stated, PASNY has applied to transfer the facility operating licenses for Indian Point Nuclear Generating Unit No. 3 ("IP3") and for the James A. FitzPatrick Nuclear Power Plant ("Fitzpatrick"). PASNY seeks to transfer the IP3 Facility Operating License DPR-64 to Entergy Nuclear Indian Point 3, LLC ("Entergy Nuclear IP3") to possess and use, and to Entergy Nuclear Operations, Inc. ("ENO") to possess, use and operate. According to the Federal Register Notice dated June 28, 2000 the current deadline for submission of Hearing Requests and Petitions to Intervene is July 18, 2000.

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For the reasons set forth herein, Putnam respectfully submits that it would impose an unacceptable burden on it to require a response in such a short time. First, Putnam has been unable to conduct an adequate review, as the Application that was posted on the NRC website was incomplete. Despite the County's best efforts, it has been unable to obtain a full copy of the

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Application thus far. Second, despite repeated assurances to Putnam that it would be included in all stages of this approval process, PASNY failed to provide full and complete disclosure as to the proposed transfer to Entergy. In fact, PASNY failed to advise Putnam that the Application had even been filed with the Commission. Third, the date that is forty-five days from the initial posting appears to be July 31st and not July 18th. Finally, the applicants will suffer no irreparable harm if the request for an extension is granted.

1. Despite its best efforts, Putnam has been unable to review the full Application.

The County first became aware of the Federal Register notice regarding the Application late on July 13th. Even when the County became aware of the Application, due to problems with the Commission's Document Access system, it was unable to obtain the appropriate filing. The County was forced to obtain a copy of the Application from other sources but was not able to acquire a copy of the Application until Saturday, July 15th.

The copy of the Application that it received from PASNY was incomplete, as it did not include the Exhibits and Schedules that are referenced in the Purchase & Sale Agreement (Enclosure 4). While the County has been able to acquire the Exhibits to Enclosure 4, it has not yet been able to acquire the Schedules. In fact, the County has learned that the Schedules are not finalized and therefore not available. There are at least 39 Schedules that deal with issues such as Emergency Preparedness Agreements, Settlement Agreements, Shared Assets, Nuclear Fuel Contracts, Physical Condition of Improvements, Certain changes or Events, Environmental, Nuclear Insurance, Known Remediation Concerns. The County, as well as other possible intervenors, should be provided with copies of these Schedules with adequate time to review them in advance of the deadline for submission of Hearing Requests and Petitions to Intervene. Alternatively, if the Commission determines that the deadline should be extended by less than the forty-five days request, an opportunity should be granted to all intervenors to amend their petitions to include in the hearing the matters contained in these Schedules.

In addition, Enclosure 2 (Entergy Corporation's 10Ks), Enclosure 6 (Proposed Operating Agreement), Enclosure 8 (Credit Agreement), Enclosure 9 (Financial Statements), and Enclosure 10 (Financial Statements for IP3) were not provided to the County. While the County has attempted to locate them independently, it has not been able to acquire copies of any of these Enclosures thus far. These Enclosures also were not found by counsel for proposed intervenors Hendrick Hudson School District and the town of Cortlandt after diligent search. Counsel for PASNY has stated that these Enclosures were not included in its filing but should be found attached to the filing submitted by Entergy. This statement contradicts the prior representation of PASNY Senior Vice President and Chief Nuclear Officer James Knubel in his May 11, 2000 letter in which he stated that Enclosures 6, 8, 9 and 10 were in fact annexed to the Application in a redacted version.

The County's difficulties in locating these Enclosures are further compounded by the NRC website. It is difficult to ascertain whose version of the application (PASNY or Entergy) has been posted to the website. In addition, parts of various Enclosures are separately located at different locations on the website. The County has expended a significant amount of time trying to download or print out these documents without success.

The County is using all available means to acquire the Enclosures and Schedules and to acquire the other documents referenced in the Federal Register notice, including, the NRC's request for additional information and PASNY's reply. These attempts have met with limited success. As a result of the foregoing, the County will be unable to fully and completely evaluate the Application by July 18th.

2. PASNY has failed to keep its promise to Putnam to keep it apprised of all aspects of the sale of IP3.

When the issue of the possible sale of IP3 was first circulated, the County requested a meeting with PASNY. At that time, PASNY assured the County and its highest officials that they would be given adequate time to participate in all proceedings and would be informed when PASNY sought any regulatory approvals. Unfortunately, PASNY failed to keep its promise and the County received no such notification from PASNY. The County should not be precluded from participating in this important matter, nor should the County be penalized for PASNY's failure to apprise the County of this proceeding as promised. The County is concerned about the safety of the public that resides around Indian Point 3; it is concerned about the economic viability of the entities that are acquiring title to and will operate this facility; and it is concerned about the future operation of the plant and the eventual decommissioning and restoration of the premises for "unrestricted use". It is in the public's best interest that the County is allowed to intervene in a full and open hearing on all the issues, which cannot be fully identified unless complete information is provided.

3. The Deadline for Hearing Requests and Petitions to Intervene Should be July 31st.

It appears that the Commission did not post the Application on its website until June 16th. One reading of 10 CFR 2.1306(c)(2) would require potential intervenors to have at least forty-five days, from the date of posting of the Application to the website, to file a petition and notice of intervention. That would result in the requisite Request for Hearing and Petition to Intervene being due no sooner than July 31, 2000. This period should be further extended if what was posted was not the complete Application.

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4. The Applicants will suffer no irreparable injury if the Extension is granted.

The granting of an extension for a period of forty five days to July 31st, assuming the County is provided with the information outlined above, will not result in any irreparable harm to the applicants. If any such harm were to result it would be due to the actions of the applicants and not the County. A stay would not adversely harm other participants. In fact, it would allow other parties, including the County of Putnam, County of Westchester, the Town of Cortlandt and the Hendrick Hudson School District, all municipal entities that are directly affected by the proposed action before the Commission, to have an opportunity, however, limited, to review the filings and prepare their Petitions.

In addition, the County is in receipt of the Order dated July 10, 2000 granting the Citizens Awareness Network, Inc. an extension of time within which to file its Petition to Intervene and Request for Hearing regarding this Application to July 31, 2000. Since the County is requesting the same extension, the granting of said extension will in no way prejudice the applicants.

In conclusion, it is interesting to note that the Commission required over six weeks to complete its review of the IP3 Application. Putnam, which has neither the resources nor staff with the same specialized experience in this filed as the Commission, should not be required to undertake in three (3) days what took the Commission over six (6) weeks to accomplish. The July 18th deadline places an obviously undue burden on the County to review and respond to the Application in order to intervene in any hearing.

In view of the complex and potentially precedential nature of the proposed transaction, it is the obligation of the Commission to assure that the public is adequately represented at these proceedings. It is equally important that the public's representatives have sufficient time to review the material and submit their concerns. Even an extension to July 31st is putting undue pressure on the County to review and analyze the material. The County can only meet this deadline if PASNY and Entergy provide all outstanding information to the County in a timely manner, and certainly no later than Thursday, July 20th.

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Therefore, I respectfully request, on behalf of the County of Putnam and the residents of Putnam, that under the authority granted to you pursuant to 10 CRF § 2.1306(c)(2), the Commission extend the deadline for the filing of Motions to Intervene and Hearing Requests to July 31, 2000.

Very truly yours,

Carl F. Lodes
County Attorney

CFL:jc

cc: Gerald C. Goldstein, Asst. General Counsel, PASNY (goldstein.g@nypa.gov)
Douglas Levanway, Wite, Carter, Child & Caraway (del@wisecarter.com)
Steven Hom, Office of General Counsel, NRC (OGCLT@NRC.GOV)
Emile Julian, NRC Rulemakings & Adjudications (elj@nrc.gov)