

August 22, 2002

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

RE: Parents Concerned About Indian Point v. NRC, No. 02-4243 (2d Cir., filed
June 27, 2002)

Dear Chairman:

This lawsuit challenges the Commission's refusal to reopen a 20-year old proceeding on emergency planning at the Indian Point nuclear power reactors. Petitioner says the proceeding should be reopened in light of the September 11 terrorist attacks. The Commission, in a letter sent by the Office of the Secretary, said that it would not reopen a case closed nearly twenty years ago, and pointed out that petitioner could seek relief, or demand a new proceeding, under 10 C.F.R. § 2.206. Petitioner, though, simply sought reconsideration, which the Commission denied.

Petitioner then filed a petition for judicial review in the United States Court of Appeals for the Second Circuit (in New York City). We have moved to dismiss the petition for review on justiciability grounds. If the court of appeals denies or defers our motion, an NRC brief will be due in October.

Sincerely,

/RA/

John F. Cordes, Jr.
Solicitor

cc: Representative Rick Boucher

August 22, 2002

The Honorable Sonny Callahan, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

RE: Parents Concerned About Indian Point v. NRC, No. 02-4243 (2d Cir., filed
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John F. Cordes, Jr.
Solicitor

cc: Representative Peter J. Visclosky

August 22, 2002

The Honorable Pete Domenici, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, DC 20510

RE: Parents Concerned About Indian Point v. NRC, No. 02-4243 (2d Cir., filed
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/RA/

John F. Cordes, Jr.
Solicitor

cc: Senator Harry Reid

August 22, 2002

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

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John F. Cordes, Jr.
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cc: Representative Joseph I. Lieberman