Original Due Date: 04/16/2004

Ticket Number: 020040056
Document Date: 03/03/2004
NRR Received Date: 03/17/2004

From:
Michael Kaplowitz

TACs:
MC2344 MC2345

To:
Nils Diaz

*** YELLOW ***

For Signature of:

Routing:
Dyer
Borchardt
Sheron
Craig
NRR Mailroom

Description:
Re-Licensing Entergy Corp.'s Indian Point 2 and 3 Nuclear Power Plants

Assigned To:
DLPM

Contact:
MARSH, LEDYARD (TAD) B

Special Instructions:

TO: Virgilio NMSS

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Mar 09, 2004 17:18

PAPER NUMBER:	LTR-04-0134	LOGGING DATE: 03/09/2004	Cy: EDO DEDMRS DEDH DEDM AO DEDR RIV
ACTION OFFICE:	EDO		
AUTHOR:	Michael Kaplowitz		
AFFILIATION:	NY		
ADDRESSEE:	Nils Diaz		
SUBJECT:	Re-Licensing Entergy Corp.'s Indian Point 2 and 3 Nuclear Power Plants		
ACTION:	Appropriate		
DISTRIBUTION:	Cy RF		
LETTER DATE:	03/03/2004		
ACKNOWLEDGED	No		
SPECIAL HANDLING:	ADAMS for Immediate Release via SECY/EDO/DPC		
NOTES:			
FILE LOCATION:	ADAMS		
DATE DUE:		DATE SIGNED:	

WESTCHESTER COUNTY BOARD OF LEGISLATORS

800 MICHAELIAN OFFICE BUILDING
148 MARTINE AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 995-2800
FAX: (914) 995-3884

March 3, 2004

Hon. Nils J. Diaz, Ph.D.
Chairman
United States Nuclear
Regulatory Commission
Washington, DC 20555

Dear Chairman Diaz,

On November 24, 2003, the Westchester County Board of Legislators passed Resolution No. 269-2003, calling on the Nuclear Regulatory Commission (NRC) to reject the re-licensing of Entergy Corp.'s Indian Point 2 and 3 Nuclear Power Plants located in Buchanan, New York. The current licenses of Indian Point 2 and 3 expire in 2013 and 2015, respectively, and Entergy Corp. has indicated a desire to seek 20-year license extensions.

We are writing to ask you, the Nuclear Regulatory Commission, to deny Entergy's applications, once submitted, for the re-licensing of Indian Point 2 and 3, as your current siting regulations would not permit a nuclear power plant to be built in the first place in such a densely populated area.

In addition, we are writing to all elected officials in a 50-mile radius of the Indian Point site to join us and pass a similar resolution. As a result of this effort and the media coverage it will generate, you should anticipate many resolutions and letters echoing our request.

Enclosed please find a copy of Resolution No. 269-2003. Please feel free to contact us with any questions or comments. Thank you.

Sincerely,

Michael B. Kaplowitz
Chair, Committee on Budget & Appropriations

Martin L. Rogowsky
Chair, Committee on Energy & Economic Development

encl:

RESOLUTION No. 269 – 2003

Whereas, Entergy Corp., owner and operator of the Indian Point Nuclear Power Plants, has expressed its intent to apply for operating license extensions of 20 years for IP2 and IP3, and being that the Westchester County Board of Legislators has previously expressed its concern over the continued operation of the nuclear power plants at the Indian Point Energy Center through several resolutions passed by this Honorable Board, including **Resolution No. 142-2002** which calls on officials from the Federal, State and Local governments to work with relevant parties to develop a plan that includes the below listed action steps, namely:

1. the development of an alternative, uninterrupted, and affordable energy source to replace the power currently produced at Indian Point,
2. the development of a financial plan that will mitigate the negative real estate tax implications on the local communities, school district, and county government,
3. the development of a plan to positively consider the current employees, such consideration will include job placement, retraining of affected workers, and other employment strategies, and
4. the development of a plan that ensures that spent fuel rods will be immediately secured and properly protected on site from the threat of a terrorist attack or accident, and

that an orderly closure and decommissioning of the Indian Point Nuclear Power Plants begin at the earliest possible time, and

Whereas, this Honorable Board reiterates its resolve, based on the potential of a terror attack on the plants, a concern about the age of the plants, and the potential results of a failure of equipment or human error in the operations of the plants, and

Whereas, Indian Point 2 and 3 were initially licensed based on Nuclear Regulatory Commission (NRC) regulations promulgated over 30 years ago, and if plant owners were to apply for a license to operate a nuclear power plant at the Indian Point site today, it would not likely be granted by the NRC under its current standards and regulations, specifically prohibiting the siting of nuclear power plants based on population density considerations, now therefore be it,

Resolved, that the Westchester County Board of Legislators opposes the re-licensing of Indian Point 2 and Indian Point 3 when their current licenses expire in 2013 and 2015, respectively, and that the NRC prohibit Entergy Corp.'s Indian Point 2 and 3 from being re-licensed, and to make this finding as soon as possible so that all concerned and involved parties can devote their time and resources to finding alternatives to the existing nuclear power plants, and be it further

Resolved, that the NRC should modify, through its GEIS process, its siting regulations to reflect current considerations including that of terrorism, and be it further

Resolved, that the Clerk of the Board of Legislators forward the text of this resolution to Westchester County's State and Federal delegation, to all legislative bodies and elected officials within the 50-mile zone surrounding the Indian Point Nuclear Power Plants, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of this Honorable Board be widely known.

Passed (as amended) by the Board of Legislators, 14-2, on November 24, 2003