

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**AUTHOR:** Alex Matthiessen  
**AFFILIATION:** NY  
**ADDRESSEE:** Nils Diaz  
**SUBJECT:** November 16, 2005 meeting with Entergy Nuclear Operations, Inc., Indian Point Nuclear  
Generating Unit Nos. 2 and 3, 50-247, 50-286

**ACTION:** Direct Reply  
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**DATE DUE:** 12/07/2005 **DATE SIGNED:**



## RIVERKEEPER.

Nils J. Diaz, Ph.D.  
Chairman  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738

Re: November 16, 2005 Meeting with Entergy Nuclear Operations, Inc., Indian Point  
Nuclear Generating Unit Nos. 2 and 3, Docket Nos. 50-247, 50-286

Dear Chairman Diaz:

I am writing on behalf of Riverkeeper and its members to express my concern over the Commission's continuing failure to properly notify the public in a timely manner of upcoming opportunities for public participation at NRC meetings. The most recent example involves the above-referenced meeting between the NRC and Entergy regarding Entergy's compliance with the requirements of the Energy Policy Act of 2005, and their plans to address chronic problems with the ANS system at Indian Point. The operability of the emergency siren system at Indian Point is a matter of great concern to all citizens living within the ten mile EPZ of the plant, who are dependent on the sirens' ability to provide initial notification of an emergency. On February 23, 2005, Riverkeeper and fifteen other organizations, including regional elected officials, petitioned the NRC to require plant owners, including Entergy, to provide backup power to emergency sirens. The Commission denied our petition, which led to Senator Hillary Clinton's involvement and the eventual amendment to the 2005 Energy Act requiring backup power to sirens "for any licensed nuclear power plants located where there is a permanent population . . . in excess of 15,000,000 within a 50-mile radius of the nuclear power plant, no later than 18 months after enactment of this Act."

Riverkeeper continues to play a crucial role in the public's campaign to ensure that the siren system at Indian Point is fixed. Despite this role, we were never notified of the upcoming meeting, which deals exclusively with the siren issue. Instead, a member of our staff discovered a mention of the meeting in the Region I 'Deviation Memo' of October 28, 2005 to the EDO, requesting enhanced oversight of Indian Point due to the siren issue and the IP2 spent fuel pool leak. This document was posted on the NRC's Indian Point website, <http://www.nrc.gov/reactors/plant-specific-items/indian-point-issues.html>, on October 28. Subsequent enquiries by our staff to the NRC found that the

meeting notice was posted on the NRC's website under the Public Meeting calendar on October 4, 2005. An examination of the enclosure list to the memo announcing the meeting revealed that the only member of an advocacy group directly notified was Jim Riccio of Greenpeace in Washington, D.C. Only three members of the New York State government were notified, all based in Albany. The only local elected official on the list was the mayor of Buchanan, N.Y. the town in which Indian Point is located. Everyone else slated to receive this notice either worked for the NRC or Entergy.

To be clear, Region I of the NRC routinely includes Riverkeeper and other local advocacy groups in its distribution of a wide range of documents relating to Indian Point, including Inspection Reports, License Amendment applications, and performance reviews. In addition, a member of Riverkeeper's staff has been in regular contact with several officials at NRC headquarters since October 4 by phone or e-mail, and the upcoming meeting was never mentioned.

Riverkeeper can take a lead role in disseminating notice of such a meeting to a large number of local citizens and our own members, through press releases and e-mail alerts. To leave this organization out of the loop, for whatever reason, does the NRC and the licensee a disservice, and creates the appearance of a federal agency purposely trying to limit public involvement in its regulatory affairs. Such an approach is unacceptable, because it only serves to deepen the public's mistrust and sense of disempowerment from the regulatory process. Indeed, the dearth of public notice is surprising in this case. One would think the NRC and Entergy would welcome a large public turnout to a meeting announcing a plan to resolve the ANS problems at Indian Point. To reiterate, a single posting in one section of the NRC's website is insufficient public notice. Including Riverkeeper in this type of correspondence is essential to building an atmosphere of transparency, in which the local citizens affected by these decisions feel that their participation matters. Unfortunately, this has not been the case.

Thank you for your time. I urge you to consider a renewed effort to increase public participation in these matters, and I look forward to your response to my concerns.

Sincerely,



Alex Matthiessen  
Hudson Riverkeeper  
& President