

EDO Principal Correspondence Control

FROM: DUE: 03/13/08

EDO CONTROL: G20080111

DOC DT: 02/04/08

FINAL REPLY:

Andrew J. Spano
Westchester County

TO:

Entergy/DEDMRT

FOR SIGNATURE OF :

** GRN **

CRC NO:

Carpenter, OE

DESC:

ROUTING:

Proposed Civil Penalty - Emergency Planning -
Entergy (EDATS: OEDO-2008-0139)

Reyes
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Collins, RI
Zimmerman, NSIR
Dyer, NRR
West, OEDO

DATE: 02/21/08

ASSIGNED TO:

CONTACT:

OE

Carpenter

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate response with Region I and NSIR.

Template: EDO-001

E-RIDS: EDO-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: OEDO-2008-0139

Source: OEDO

General Information

Assigned To: OE

OEDO Due Date: 3/13/2008 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: Proposed Civil Penalty - Offsite Preparedness Efforts - Emergency Planning - Entergy

Description:

CC Routing: Region I; NSIR; NRR; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080111

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: OE

Sensitivity: None

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Coordinate with Region I and NSIR.

Document Information

Originator Name: Andrew J. Spano

Date of Incoming: 2/4/2008

Originating Organization: Westchester County, New York

Document Received by OEDO Date: 2/19/2008

Addressee: M. Balduzzi, Entergy/M. Virgilio, DEDMRT

Date Response Requested by Originator: NONE

Incoming Task Received: Letter



Andrew J. Spano
County Executive

February 4, 2008

Mr. Michael A. Balduzzi
Senior Vice President
Entergy Nuclear Northeast
440 Hamilton Avenue
White Plains, New York 10601

Mr. Martin J. Virgilio
Deputy Executive Director
United States Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Balduzzi and Mr. Virgilio,

I write today to request that Entergy respond to the NRC's recent Notice of Violation and proposed Civil Penalty of \$650,000 with a request to apply the fine to direct offsite preparedness efforts, in lieu of payment to the NRC. I further request that the NRC approve such a response from Entergy and work together to make the consequence of its violation and penalty a value to the community rather than just a monetary impact on Entergy. The opportunity exists for Entergy and the NRC to work collaboratively to assure this penalty has a positive effect, benefiting the impacted population in the Emergency Planning Zone (EPZ) surrounding Indian Point. The four Counties in the EPZ spend taxpayer money to supplement the meager amounts received through reactor fees to support offsite emergency planning efforts.

Westchester County calls on Entergy to make this request of the NRC in the interest of public safety. Westchester calls on the NRC to pause before it responds with the routine answer that "regulations do not permit it". Local, state and national elected officials support such a move. Congresswoman Lowey recently introduced a bill to apply the proceeds of future civil penalties to local planning efforts in response to Westchester's initial request following the civil penalty levied by the NRC in 2007. Unfortunately, this civil penalty has been levied before the bill traversed the process successfully to become law.

Office of the County Executive

Michaelian Office Building
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: ceo@westchestergov.com

Rec'd Off. EDO

Date 2/19/08

Time 1:00 pm

EDO --G20080111

In closing, I implore Entergy and the NRC to devise a way for this fine to result in positive, tangible, emergency preparedness support, rather than being deposited in the national treasury, representing a mere drop in the fiscal bucket. Please seize this opportunity to apply this penalty to added protection and taxpayer relief. It would be a welcomed positive occurrence in the Counties' endless negative experiences struggling with the poor performance of the old siren system and the protracted efforts to construct a suitable replacement public notification system.

I thank you for your consideration and eagerly await your reply.

Sincerely yours,



Andrew J. Spano
County Executive

AJS:ST:mt

Cc: Hon. Hillary Rodham Clinton
Hon. Charles E. Schumer
Hon. Nita Lowey
Hon. Elliot Engel
Hon. John Hall
Orange County Executive Edward A. Diana
Putnam County Executive Robert J. Bondi
Rockland County Executive C. Scott Vanderhoef

Westchester
gov.com

Office of the County Executive

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White Plains, New York 10601



Mr. Martin J. Virgilio
Deputy Executive Director
United States Nuclear Regulatory Commission
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