

EDO Principal Correspondence Control

FROM: DUE: 05/16/08

EDO CONTROL: G20080330

DOC DT: 05/06/08

FINAL REPLY:

Lisa Rainwater, PhD
Riverkeeper

TO:

Chairman Klein

FOR SIGNATURE OF :

** GRN **

CRC NO: 08-0269

Collins, RI

DESC:

ROUTING:

May 20, 2008 Meeting - NRC's Groundwater Public
Meeting for Indian Point Nuclear Generating Unit
Nos. 2 and 3 (EDATS: SECY-2008-0280)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Cyr/Burns
Leeds, NRR
Sheron, RES
Williams, OEDO

DATE: 05/08/08

ASSIGNED TO:

CONTACT:

RI

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Immediate release to public per SECY via EDO thru
DPC.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2008-0280

Source: SECY

General Information

Assigned To: Region I

OEDO Due Date: 5/16/2008 5:00 PM

Other Assignees:

SECY Due Date: 5/16/2008 5:00 PM

Subject: May 20, 2008, Meeting - NRC's Groundwater Meeting for Indian Point Nuclear Generating Unit Nos. 2 and 3 (Docket Nos. 50-003, 50-247 and 50-286)

Description:

CC Routing: RES; NRR

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080330, Ltr-08-0269

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

Sensitivity: None

Signature Level: Region I

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Immediate release to public per SECY via EDO thru DPC.

Document Information

Originator Name: Lisa Rainwater, PhD

Date of Incoming: 5/6/2008

Originating Organization: Riverkeeper

Document Received by SECY Date: 5/8/2008

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: May 08, 2008 09:42

PAPER NUMBER: LTR-08-0269

LOGGING DATE: 05/07/2008

ACTION OFFICE: EDO

AUTHOR: Phd Lisa Rainwater van Suntum (RiverKeepers)

AFFILIATION: NY

ADDRESSEE: CHRM Dale Klein

SUBJECT: May 20, 2008 Meeting -- NRC's Groundwater Public Meeting for Indian Point Unites 2 & 3,
Docket Nos. 50-003, 50-247 and 50-286

ACTION: Direct Reply

DISTRIBUTION: RF, SECY to Ack

LETTER DATE: 05/07/2008

ACKNOWLEDGED No

SPECIAL HANDLING: Immediate release to the public via SECY/EDO/DPC

NOTES: Staff should respond to letter before the May 20th public
meeting on Indian Point Groundwater

FILE LOCATION: ADAMS

DATE DUE: 05/16/2008

DATE SIGNED:

EDO --G20080330



RIVERKEEPER.

Dale Klein
Chairman
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Re: May 20, 2008 Meeting -- NRC's Groundwater Public Meeting for Indian Point
Nuclear Generating Unit Nos. 2 and 3, Docket Nos. 50-003, 50-247 and 50-286

May 6, 2008

Dear Chairman Klein:

We are writing once again on behalf of Riverkeeper and its members to express our concern over the Commission's continued 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 the ongoing radioactive leak at the Indian Point Nuclear Generating Units.

On several occasions we have made formal and informal requests of the Region I office to provide up to three weeks notification for such meetings in order to allow Riverkeeper and others -- including the media -- enough time to notify the public of these meetings. The operation of Indian Point, along with Entergy's bid for a twenty-year license extension continues to be of great concern to Riverkeeper, New York State, and the public. The NRC should be doing everything in its power to raise public awareness of its efforts to oversee and mitigate this radioactive environmental contamination. Unfortunately, this does not appear to be the case.

Riverkeeper continues to take a lead role in disseminating notice of such meetings to a large number of local citizens and our own members, through press releases and e-mail alerts. To give us such a short window of opportunity to disseminate information, particularly during a time of year when many families are dealing with graduations and the lead-up to Memorial Day weekend, creates the appearance of a federal agency purposely trying to limit public involvement in its regulatory affairs. Such an approach only deepens the public's mistrust and sense of disempowerment from the regulatory process.

In addition, Riverkeeper has repeatedly requested that these types of safety-related meetings are a Category 3 Meeting to allow the fullest participation by the public. (See attached letter dated November 18, 2005 to Sam Collins, Regional Administrator) The ongoing radioactive leakage of tritium and strontium-90 into the groundwater and Hudson River is an issue that requires not only timely notification of slated meetings but that the public also has a right to raise concerns with the federal agency that oversees the plant's operations as well as the company that owns and operates it. The current agenda allows for a mere 30 minutes for the public to ask questions during each session.

The high level of public interest and concern with this issue was demonstrated on March 28, 2006, when nearly 500 people attended the NRC's first, and only public meeting to date on the Indian Point groundwater contamination issue. In fact, the turnout was so high that some people were turned away, resulting in the NRC holding subsequent public meetings on Indian Point at a larger venue. The leaks at Indian Point continue to be of great concern, but due to the short notice and type of meeting proposed by NRC Region 1, Riverkeeper is skeptical that many will be able to attend.

I urge you to revise the NRC's current method of establishing dates for meetings that deal with safety and environmental issues of great concern to the public. I also formally request that you change the upcoming meeting from Category 1 to Category 3, in order to properly accommodate the high level of public interest in this issue, and to meet your statutory obligations under the Atomic Energy Act to encourage and facilitate open public participation in the NRC's regulatory process.

I look forward to your response to our concerns.

Sincerely,



Lisa Rainwater, PhD
Policy Director

CC:

Sam Collins, Regional Administrator
Senator Hillary Rodham Clinton
Senator Charles Schumer
Congressman John Hall
Congressman Elliot Engel
Congresswoman Nita Lowey
Congressman Maurice Hinchey



RIVERKEEPER.

Mr. Samuel Collins, Regional Administrator
U.S. Nuclear Regulatory Commission
Region-I
475 Allendale Road
King of Prussia, PA 19406-1415

November 18, 2005

RE: Follow-up to Riverkeeper's official requests at 11-16-05 NRC meeting in Peekskill, NY

Dear Mr. Collins:

Riverkeeper formally requests that the following steps be taken to augment public participation at NRC meetings regarding Indian Point, based on our comments at the "Indian Point Siren System Backup and Reliability" meeting on 11-16-05 in Peekskill. We ask that:

1. A Category 3 Meeting as defined in [Federal Register: May 28, 2002 (Volume 67, Number 102)] [Page 36920-36924] be held at a public facility within the 10-mile EPZ of Indian Point to discuss the ongoing leak of radioactive liquids onsite at the Indian Point Energy Center.
2. Future NRC/Indian Point meetings be held at an accessible public facility, not a private restaurant adjacent to Indian Point, and in different locations within the 10-mile EPZ, such as White Plains, the county seat.
3. NRC sign-in sheets provide a place for home address and/or email address in order that attendees can be notified by the NRC of future public meetings.

I look forward to a prompt response from your office regarding this matter.

Sincerely,

Lisa Rainwater van Suntum, PhD
Indian Point Campaign Director

Cc: Chairman Nils Diaz, Nuclear Regulatory Commission
Eric Leeds, Special Projects Branch Division of Fuel Cycle Safety and Safeguards, NMSS



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

May 5, 2008

MN-No. 08-025

U.S. NUCLEAR REGULATORY COMMISSION
REGION I
NOTICE OF SIGNIFICANT MEETING

Licensee: Entergy Nuclear Northeast

Facility: Indian Point Energy Center, Units 1, 2, and 3

Docket No. 50-003, 50-247 and 50-286

Date and Time: May 20, 2008:
4:00 p.m. to 6:00 p.m., Informational Poster Presentations
6:30 p.m. to 10:30 p.m., Public Meeting Presentations

Location: Colonial Terrace
119 Oregon Road
Cortlandt Manor, New York 10567

Purpose: The purpose of this public meeting is to present the results of the NRC's most recent inspection and assessment of Entergy's performance relative to characterization of the contaminated groundwater conditions at Indian Point Energy Center, including radiological assessment, and remediation plans. Entergy will provide a description of the results of its Hydrogeophysical Site Characterization effort; and plans for continued monitoring of the groundwater conditions, and spent fuel removal and drainage of water from the Unit 1 spent fuel pool.

Attendees*:

NRC:

- M. Dapas, Deputy Regional Administrator, Region I
- M. Gamberoni, Director, Division of Radiation Safety (DRS), Region I
- J. White, Chief, Plant Support Branch 2, DRS, Region I
- E. Cobey, Chief, Projects Branch 2, Division of Reactor Projects (DRP), Region I
- J. Noggle, Senior Health Physicist, DRS, Region I
- T. Nicholson, Senior Technical Advisor, Office of Research
- S. Garry, Lead, Health Physics and Effluents Team, Office of Nuclear Regulation (NRR)
- P. Milligan, Senior Technical Advisor, NRR
- P. Cataldo, Senior Resident Inspector, Indian Point Energy Center
- M. McLaughlin, State Liaison Officer, Region I
- D. Screnci, Public Affairs Officer, Region I
- R. Barkley, Technical Communication Assistant, Region I
- R. Conte, Chief, Engineering Branch 1, Region I

Entergy: J. Pollock, Site Vice President, Indian Point Energy Center
 D. Mayer, Director of Unit 1 and Special Projects
 T. Orlando, Director of Engineering
 P. Conroy, Director of Nuclear Safety Assurance.

Public Participation: This is a Category 1 Meeting. The public is invited to observe this meeting and will have opportunities to communicate with the NRC staff following the business portion, but before the meeting is adjourned.

Additional information relative to the NRC's Annual Assessment Process and the safety performance of Indian Point Nuclear Generating Unit 2 and Unit 3 can be found on the NRC's web site at: www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html.

Meeting Contact: John R. White, Chief, Plant Support Branch 2
 (610) 337-5114
 E-mail: john.white@nrc.gov

*Handicapped persons requiring assistance to attend the meeting shall make their requests known to the NRC meeting contact no later than two business days prior to the meeting. Attendance by NRC personnel at this meeting should be made known by May 15, 2008, via telephone to the NRC meeting contact.

Approved by: /RA/
 John R. White, Chief
 Plant Support Branch 2
 Division of Reactor Safety

cc w/encl:
 Senior Vice President, Entergy Nuclear Operations
 Vice President, Operations, Entergy Nuclear Operations
 Vice President, Oversight, Entergy Nuclear Operations
 Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations
 Senior Vice President and CCO, Entergy Nuclear Operations
 Assistant General Counsel, Entergy Nuclear Operations
 Manager, Licensing, Entergy Nuclear Operations
 P. Tonko, President and CEO, New York State Energy Research and Development Authority
 C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
 A. Donahue, Mayor, Village of Buchanan
 J. G. Testa, Mayor, City of Peekskill
 R. Albanese, Four County Coordinator
 S. Lousteau, Treasury Department, Entergy Services, Inc.
 Chairman, Standing Committee on Energy, NYS Assembly
 Chairman, Standing Committee on Environmental Conservation, NYS Assembly
 Chairman, Committee on Corporations, Authorities, and Commissions
 M. Slobodien, Director, Emergency Planning
cc w/encl:

P. Eddy, NYS Department of Public Service
 Assemblywoman Sandra Galef, NYS Assembly
 T. Seckerson, County Clerk, Westchester County Board of Legislators
 A. Spano, Westchester County Executive
 R. Bondi, Putnam County Executive
 C. Vanderhoef, Rockland County Executive
 E. A. Diana, Orange County Executive
 T. Judson, Central NY Citizens Awareness Network
 M. Elie, Citizens Awareness Network
 D. Lochbaum, Nuclear Safety Engineer, Union of Concerned Scientists
 Public Citizen's Critical Mass Energy Project
 M. Mariotte, Nuclear Information & Resources Service
 F. Zalzman, Pace Law School, Energy Project
 L. Puglisi, Supervisor, Town of Cortlandt
 Congressman John Hall
 Congresswoman Nita Lowey
 Senator Hillary Rodham Clinton
 Senator Charles Schumer
 G. Shapiro, Senator Clinton's Staff
 J. Riccio, Greenpeace
 P. Musegaas, Riverkeeper, Inc.
 M. Kaplowitz, Chairman of County Environment & Health Committee
 A. Reynolds, Environmental Advocates
 D. Katz, Executive Director, Citizens Awareness Network
 K. Coplan, Pace Environmental Litigation Clinic
 M. Jacobs, IPSEC
 W. Little, Associate Attorney, NYSDEC
 M. J. Greene, Clearwater, Inc.
 R. Christman, Manager Training and Development
 J. Spath, New York State Energy Research, SLO Designee
 A. J. Kremer, New York Affordable Reliable Electricity Alliance (NY AREA)

cc w/encl:

M. J. Greene, Clearwater, Inc.

R. Christman, Manager Training and Development

J. Spath, New York State Energy Research, SLO Designee

A. J. Kremer, New York Affordable Reliable Electricity Alliance (NY AREA)

Distribution w/encl: (VIA E-MAIL)

Executive Director for Operations, OEDO (RIDSEDOMAILCENTER RESOURCES)

Deputy Executive Director for Reactor Programs, OEDO (RIDSEDOMAILCENTER RESOURCES)

Director, Office of Nuclear Reactor Regulation, NRR (RIDSNNRROD)

Deputy Director, Office of Nuclear Reactor Regulation, NRR/ADPR (RIDSNNRROD)

RIDSNNRRADRO

RIDSNNRRDIRS

RIDSNNRRDIRSLPAB

RIDSNNRRDORL

RIDSNNRRDORILp11-1

RIDSNNRRDORILp11-2

Asst. General Counsel Materials Litigation and Enforcement, OGC
(RIDSOGCMailCenter)

S. Collins, RA

M. Dapas, DRA

D. Lew, DRP

J. Clifford, DRP

S. Williams, RI OEDO

R. Nelson, NRR

E. Cobey, DRP

D. Jackson, DRP

B. Bickett, DRP

T. Wingfield, DRP

M. Kowal, NRR

J. Boska, PM NRR

J. Hughey, NRR

C. Hott, DRP, Senior Resident Inspector, IP2 (Acting)

P. Cataldo, Senior Resident Inspector, IP3

A. Koonce, Resident Inspector, IP3

D. Roberts, DRS

M. Gamberoni, DRS

D. Screnci, PAO

N. Sheehan, PAO

N. McNamara, SLO

M. McLaughlin, SLO

Region I Docket Room (w/concurrences)

Regional Administrator Secretary, RI

Deputy Regional Administrator Secretary, RI

DRP Division Secretary, RI

DRS Division Secretary, RI

DNMS Division Secretary, RI

DRM Division Secretary, RI

Region I Receptionist

PMNS Resource

Agenda

NRC's Groundwater Public Meeting

Indian Point Nuclear Generating Unit 2 and Unit 3

May 20, 2008

4:00 pm to 6:00 pm, Informational Presentation Materials will be available for review and discussion with technical staff.

6:30 pm to 9:30 pm, Public Meeting Presentations relative to the investigation, assessment, remediation, and continued monitoring activities at Indian Point.

Introduction	NRC	(10 minutes)
Presentation of Results of Entergy's Hydrogeological Site Characterization, Plans for Remediation and Long Term Monitoring	Entergy	(30 minutes)
Presentation of NRC's Regulatory Assessment of Entergy's Performance	NRC	(40 minutes)
Short Break		(10 minutes)
Question and Answers	NRC and Entergy	