

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

RIVERKEEPER, INC,

Petitioner,

v.

UNITED STATES NUCLEAR
REGULATORY COMMISSION,

Respondent.

Case No. 21-1080

NONBINDING STATEMENT OF ISSUES

Pursuant to the Court's March 8, 2021 order, petitioner Riverkeeper, Inc. ("Riverkeeper") submits the following statement of issues to be raised in this proceeding.

On November 23, 2020, Nuclear Regulatory Commission ("NRC") staff issued orders (1) provisionally granting an application to transfer licenses for the Indian Point Nuclear Generating Station Unit Nos. 1, 2, and 3 (collectively "Indian Point") from the plant's current owners to

subsidiaries of Holtec International for decommissioning, and (2) granting the provisional transferees' request for exemptions from NRC regulations that would otherwise prohibit them from funding non-decommissioning expenses using Indian Point's nuclear decommissioning trusts. On January 15, 2021, with two commissioners dissenting, the NRC issued an order denying Riverkeeper's petition to intervene and request for a hearing in the Indian Point license transfer proceedings.

Without waiving any right to submit additional issues, Riverkeeper intends to raise the following issues in support of its challenge:

1. Whether NRC's denial of Riverkeeper's petition to intervene and request for hearing was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A);
2. Whether NRC staff's order provisionally approving the license transfer application was arbitrary and capricious, an abuse of

discretion, or otherwise not in accordance with law in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and

3. Whether NRC's grant of the above-referenced exemption request was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law and/or in excess of statutory jurisdiction, authority, or limitations, or short of statutory right in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C).

Dated: April 7, 2021

Respectfully Submitted,

TODD D. OMMEN

/s/ Todd D. Ommen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Nonbinding Statement of Issues was filed on April 7, 2021 using the Court's CM/ECF system and that service was therefore accomplished upon counsel of record by the Court's system.

Dated: April 7, 2021

Respectfully Submitted,

TODD D. OMMEN

/s/ Todd D. Ommen

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