

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

TOWN OF CORTLANDT, VILLAGE OF  
BUCHANAN, AND HENDRICK HUDSON  
SCHOOL DISTRICT

*Petitioners,*

v.

UNITED STATES NUCLEAR  
REGULATORY COMMISSION and the  
UNITED STATES

*Respondents.*

Case No. 21-1084

**NONBINDING STATEMENT OF ISSUES**

Pursuant to the Court's March 9, 2021 Order, petitioners the Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District (the "Municipal Parties") submit 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 ("Indian Point") from the plant's current owners to subsidiaries of Holtec International for decommissioning, and (2) granting the putative transferees' request for exemptions from NRC regulations that would otherwise prohibit them from funding non-decommissioning expenses using Indian

Point's nuclear decommissioning trust funds. On January 15, 2021, with two commissioners dissenting, the NRC issued an order denying the Municipal Parties' petition to intervene and request for a hearing in the Indian Point license transfer proceedings and closing the proceedings. Without waiving any right to submit additional issues, the Municipal Parties intend to raise the following issues in support of its challenge:

1. Whether NRC's denial of the Municipal Parties' 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 granting 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 8, 2021  
New York, New York

Respectfully submitted,

/s/ Daniel Riesel

---

Daniel Riesel  
Dane Warren  
SIVE PAGET & RIESEL P.C.  
*Attorneys for Petitioners*  
560 Lexington Avenue, 15<sup>th</sup> Floor  
New York, NY 10022  
diesel@sprlaw.com  
(212) 421-2150

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Nonbinding Statement of Issues was filed on April 8, 2021 using the Court's CM/ECF system and that service was therefore accomplished upon counsel of record by the Court's system.

/s/ Daniel Riesel

---

Daniel Riesel  
SIVE PAGET & RIESEL P.C.  
*Attorneys for Petitioners*  
560 Lexington Avenue, 15<sup>th</sup> Floor  
New York, NY 10022  
diesel@sprlaw.com  
(212) 421-2150