

**SUSAN H. SHAPIRO**

ATTORNEY AT LAW

75 NORTH MIDDLETOWN ROAD  
NANUET, NEW YORK 10954

TEL (845) 371-2100  
FAX (845) 371-3721  
SUSAN@HITOSHAPIROLAW.COM  
MBS@OURROCKLANDOFFICE.COM

**REQUEST FOR PUBLIC HEARING ON INDIAN POINT 2 LICENSE  
AMENDMENT: Docket ID NRC-2015-0038.**

September 15, 2016

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001

RE: CNRO-2016-00020  
On Behalf of THE INDIAN POINT AND FITZPATRICK REACTOR  
COMMUNITIES REQUEST FOR PUBLIC HEARING PURUSANT TO  
Re: Application for Order to Transfer Master Decommissioning Trust  
From PASNY to ENO, Consenting to Amendments to Trust Agreement,  
and Approving Proposed License Amendments to Modify and Delete  
Decommissioning Trust License Conditions Upon the Transfer of Trust  
Funds

Indian Point Nuclear Generating Unit No. 3  
Docket No. 50-286, License No. DPR-64  
Indian Point Nuclear Generating Unit No. 3 - Order Approving Transfer  
of License from the Power Authority of the State of New York to Entergy  
Nuclear Indian Point 3, LLC, and Entergy Nuclear Operations, Inc. and  
Approving Conforming Amendment (TAC No. MA8948), dated  
November 9, 2000 (ADAMS Accession No. ML003767953). ("Indian  
Point 3")

James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333, License No. DPR-59  
James A. FitzPatrick Nuclear Power Plant - Order Approving Transfer of  
License from the Power Authority of the State of New York to Entergy  
Nuclear FitzPatrick, LLC, and Entergy Nuclear Operations, Inc. and  
Approving Conforming Amendment (TAC No. MA8949), dated  
November 9, 2000 (ADAMS Accession No. ML003768011).  
("FitzPatrick")

Dear Sir or Madam:

On behalf of Indian Point Safe Energy Coalition ("IPSEC"), Hudson River Sloop Clearwater, Council on Intelligent Energy & Conservation Policy ("CIECP"), Sierra Club Hudson Valley, Nuclear Information and Resource Service, Alliance for Green Economy, Radiation and Public Health Project ("Stakeholders") I am submitting this petition requesting a public hearing on various license amendments, which Entergy has requested for Indian Point 3 and FitzPatrick's licenses.

We, the undersigned Stakeholders, are residents of the Indian Point and FitzPatrick Reactor Communities residing within 50 miles of Indian Point 3 or FitzPatrick and are exercising our rights to object to and request a public hearing in New York on the proposed license amendments referenced above, which would result in the single largest transfer of public assets, approximately \$1.5 billion dollars, to a private company in the history of the State of New York.

The proposed transfer of decommissioning funds to Entergy Nuclear Operations, Inc. (ENO) significantly increases risk to New York State resources and residents. ENO is neither the reactor operator nor licensee, and, upon information and belief, is corporate subsidiary with no tangible assets, essentially a shell corporation.

The requested license amendments would remove New York State Power Authority's control over the Master Trust and significantly increases the hazards to New York State resources and is hardly in the interest of the citizens of New York and the Stakeholders by transferring public funds to a private shell corporation whose primary concern is corporate profits, not public health and safety.

A specific part was the establishment of Decommissioning Agreement dated November 21, 2000, guaranteed to the public that the New York State Power Authority would maintain the decommissioning trust funds for IP3 and FitzPatrick in a Master Trust.

Furthermore, the proposed amendment calls for the inclusion of the language, "After decommissioning has begun and withdrawals from the decommissioning fund are made under §50.82(a)(8), no further notification need be made to the NRC" which would allow the Master Trust Agreement to be *materially* modified without further license amendments, or state and public notification.

The proposed changes will significantly reduce the margin of public safety and trust, as a private corporation whose interest in assuring profit to its shareholders, would not have incentive to expend all necessary funds to remediate to the highest standards, instead of cutting corners to insure profit to the shareholders.

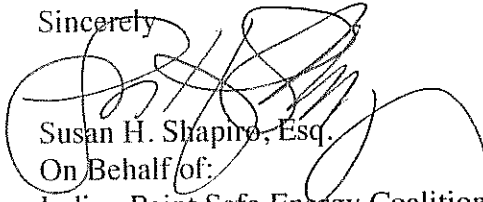
Additionally, the proposed amendment changes the language for License Conditions to include, "legal and accounting expenses" as allowable disbursements or payments from the trust and will allow ENO to spend decommissioning funds on legal and accounting services aimed at helping Entergy *evade* expenditures and fight New York State in court, if the State challenges how the decommissioning funds are being used and clean-up methodology counter to the interests of New York State.

Furthermore amendments to Indian Point 3's expired license are procedurally defective and violate the Administrative Procedures Act.

Therefore, we the undersigned reactor community Stakeholders are intervening and requesting public hearings in White Plains, NY, where Entergy maintains a corporate office. A public hearing held via phone line is wholly inadequate and fails to satisfy the requirement for public participation.

We look forward to your timely scheduling of a public hearing in this matter, to ensure public participation as required by the Atomic Energy Act. Thank you for your prompt attention to this petition.

Sincerely



Susan H. Shapiro, Esq.

On Behalf of:

Indian Point Safe Energy Coalition ("IPSEC")

Hudson River Sloop Clearwater

Sierra Club, Lower Hudson Group

Council on Intelligent Energy & Conservation Policy

Nuclear Information and Resource Service ("NIRS")

Alliance for Green Economy

Public Health and Radiation Project

cc: Governor Andrew Cuomo  
Senator Kirsten Gillibrand  
Senator Charles Schumer  
Senator Edward Markey  
Congresswoman Nita Lowey  
Congressman Eliot Engel  
Congressman Sean Patrick Maloney  
Eric Schneiderman, NYS Attorney General