

RAS1979

2A Adrian Court
Cortlandt Manor, NY 10567
July 31, 2000

DOCKETED
USMFC

Office of the Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

'00 AUG -2 10:30

OFFICE OF THE SECRETARY
RULEMAKING AND ADJUDICATIONS STAFF

By e-mail and Overnight Mail

RE: Motions for Stay, Clarification, Investigation

Notice of Appearance, Certificate of Service
Docket 50-286
License No. DPR-64 (License Transfer)

Dear Mr. Julian:

Enclosed for filing, please find for service upon the Secretary and Commission the original and six copies of the above referenced filings.

Thank you for your assistance in this matter.

Sincerely,

Marilyn Elie

Marilyn Elie
Weschester Citizens Awareness Network

cc: Service List

Template = SECY-018

SECY-02

Before the
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of
Docket No. 50-286
New York Power Authority
Application for transfer of Part 50 license for
Indian Point 3 Nuclear Power Plant to Entergy

DECLARATION OF MARILYN ELIE IN SUPPORT OF CAN'S STANDING

I, Marilyn Elie, state the following as true:

1. My name is Marilyn Elie.
2. I reside at 2A Adrian Court, Cortlandt Manor, NY.
3. I have lived at that address for over six years.
4. The place where I live is approximately 5 to 5 1/12 miles from the Indian Point 3 Nuclear Power Station in Buchanan, New York.
5. I am also a citizen of Westchester County which purchases some of its power from Indian Point 3 and a New York State resident, which NYPA is supposed to serve by benefiting the economy of New York state.
6. I have concerns for my health and safety because I live so close to Indian Point 3 Power Station.
7. I am a member of the Citizens Awareness Network, Inc. {CAN}, and have authorized CAN to represent me in this matter.
8. I am aware of the issues that CAN is raising in this proceeding and agree with the concerns that CAN has, as I share those concerns.
9. In particular, as I enjoy walking, hiking and biking in this area, I would like to be able to hike and walk in the lands now occupied by the Indian Point 3 Nuclear Power Station -- if they can be completely cleaned up of any radioactive contamination so that it is safe to be there. I am concerned that whoever owns Indian Point 3 has the experience and financial ability to

completely clean up the site for release to the public when the useful life of the plant has ended. In this way, the license transfer matter has a direct bearing on the possibility of my being able to safely enjoy the natural environment in this area. I think that the NRC should conduct a full environmental assessment of the Indian Point 3 facility to determine the extent of contamination there so that it can be sure that any new owner has the financial means necessary to clean up the site. Also, given the history of lack of oversight in many other reactors in the New York area, I would like to see the NRC conduct an independent evaluation of the Indian Point 3 Nuclear Power Plant so that people living nearby, like me, would be certain that all of the problems with the reactor are known and documented before a new owner takes over.

10. I am also aware that Entergy is not assuming liability for off-site contamination caused by Indian Point 3 during the time when New York Power Authority has owned and operated it. I am aware that Indian Point 3 and other reactors routinely release radioactive materials into the air and water, and that the spread of radiation does not stop at the edge of the Indian Point site. Someone has to be responsible for ensuring that these pollutants do not continue to affect the health and safety of me and other people living near Indian Point 3 after it closes down, and I am concerned that the license transfer application by Entergy doesn't guarantee that. It has also been brought to my attention that NYPA routinely shipped radioactive sludge from the James A. FitzPatrick Nuclear Power Plant to a municipal sewage facility in Oswego County, which could affect the health of people living in the area. Since this was so common at FitzPatrick, there needs to be an investigation of whether NYPA also did this at Indian Point 3 and an Environmental Impact Study before the license can be transferred to Entergy. But more importantly, there has to be a guarantee that, whoever runs Indian Point 3, the pollution released off-site from Indian Point 3 is eventually cleaned up.

11. I am also concerned about the problems which may arise if the license to operate Indian Point is transferred to a company lacking the resources and experience to operate many aging reactors at the same time. In particular, I am concerned about license transfer to a company such as Entergy which does not have experience dealing with an aging nuclear reactor like Indian Point 3. In addition, I am concerned about what I have heard concerning the overtime practices and job-cutting which the would-be owner, Entergy, has engaged in with their transmission and delivery services and at other nuclear plants they operate or have purchased, such as the Pilgrim plant in Massachusetts. I think the NRC should fully investigate these charges before any license transfer is permitted so that persons like myself living near Indian Point 3 will know that they will not be endangered by work practices that cut

corners on safety for profit. Already, there is evidence that these conditions have compromised safety at Consolidated Edison's Indian Point 2 reactor, resulting in an emergency on August 31, 1999, and an accident on February 15, 2000. For this reason, I would like some assurance, which the NRC could provide by making this a condition for license transfer, that persons at Indian Point with experience will not lose their jobs, and that the new owner will not be allowed to fire a lot of experienced people and replace them with contract labor.

12. Finally, I am also concerned about the way in which Entergy's intention to buy up many nuclear reactors could affect my health and safety. Unless the NRC looks into the potential affects of such a plan upon energy dependence in this area, we could end up stuck for years with a company that controls most of the electricity available to us. This could mean high prices, unsafe conditions at Indian Point in order to keep up profits to support other Entergy operations, and other practices that would cut costs on site--all of which is dangerous to persons living near Indian Point 3 as I do. In my mind, the NRC is supposed to look at the national security and health and safety implications of any actions which could reasonably affect the ability of its licensees to safely operate their nuclear plants.

14. For the reasons I stated above, I believe the license transfer in this case should be open to dealing with the health and safety issues CAN is raising. I hope that the NRC will permit these issues to be discussed so that I and persons like me living near Indian Point may be assured any new owner will operate it as safely as possible.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Cortlandt Manor, New York the 31st day of July, 2000.

Marilyn Elie
Marilyn Elie
2A Adrian Court
Cortlandt Manor, NY 10567

STATE OF NEW YORK
COUNTY OF WESTCHESTER:

On this 31st day of July, 2000, the above signed Marilyn Elie appeared before me and affirmed that the above Declaration is true and correct and that she signed it as her free act and deed.

Before me:

Diane Lang
Notary Public

My Commission Expires 3/12/03

DIANE LANG
NOTARY PUBLIC, State of New York
No. 4963477
Qualified in Westchester County
Commission Expires 3/12/03

CERTIFICATE OF SERVICE

I,
Marilyn Elie, a Member of Citizens Awareness Network, hereby certify that copies of my testimony in support of the Citizens Awareness Network's Request for Hearing and Petition to Intervene were served upon the persons listed below by e-mail and with a conforming copy deposited in the U.S. mail, first class, postage prepaid, this 31st day of July, 2000.


Marilyn Elie

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, D.C. 20555-0001
secy@nrc.gov

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ogclt@nrc.gov

Mr. Gerald Goldstein
Asst. General Counsel
New York Power Authority
1633 Broadway
New York, NY 10019-6756
goldstein.g@nypa.gov

Mr. Douglas Levanway

Nancy T. Bocassi
Hendrick Hudson School District
61 Trolley Road
Montrose, NY 10548

George E. Sansoucy, P.E.
260 Ten Rod Road
Rochester, NH 03867

Robert J. Deasey
Vice President - Power Contracts
New York Power Authority
123 Main Street
White Plains, New York 10601

Thomas F. Wood, Esq.
Town of Cortlandt
153 Albany Post Road
Buchanan, NY 10511

William S Scherman
Skadden, Arps, Slate, Meagher
& Flom LLP
1440 New York Avenue, N.W.
Washington, DC 20005-2111

Joseph L. Blount
Entergy Services Inc.
1340 Echelon Parkway
P.O. Box 31995
Jackson, MS 39286-1995

Kenneth M. Simon
Laura V. Szabo
Dickstein, Shapiro, Morin,
& Oshinsky, LLP
2101 L Street, N.W.
Washington, D.C. 20037

Joseph Carline
Assistant General Counsel
New York Power Authority
1633 Broadway
New York, New York 10019

Nancy Carter, Child and Caraway
P.O. Box 651
Jackson, MS 39205
del@wisecarter.com

Mr. Richard Koda
Koda Consulting
409 Main Street
Ridgefield, Connecticut 06877-4511
rjkoda@javanet.com

Mr. Paul V. Nolan, Esq.
5515 N. 17th St.
Arlington, VA 22205-2207
pvnpvn@aolcom

Mr. Stewart M. Glass, Esq.
148 Martine Avenue, 6th Floor
White Plains, NY 10601
smg4@exchange.co.westchester.ny.us

Timothy L. Judson
Citizens Awareness Network, Inc.
162 Cambridge St.
Syracuse, NY 13210
cnycan@rootmedia.org