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6/26/07

Dr. Pao-Tsin Kuo, PE
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Richard Barkley
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Chairman's Office
Nuclear Regulatory Commission ("NRC")
Washington, DC 20555-0001

RE: Incompleteness and Inaccurate License Renewal Application
for Indian Point Energy Center, Units 2 and 3

Dear Dr. Pao-Tsin Kuo:

On April 30, 2007, the staff received an application from Entergy Nuclear Operations, Inc., requesting the renewal of the operating licenses for Indian Point Energy Center (IPEC), Unit 2 and Unit 3. IPEC Units 2 and 3 are 4-loop pressurized water reactors designed by Westinghouse Electric with current operating licenses that expire at midnight on September 28, 2013, and December 12, 2015, respectively. The license renewal application was submitted pursuant to 10 CFR Parts 51 and 54, and requests an additional 20 years beyond the current 40-year terms.

The undersigned, organizations and individuals, Stakeholders, separately and jointly, do hereby allege that the aforementioned application is inaccurate and incomplete and the NRC must reject the application due to applicant's failure to disclose significant information and attempt to mislead the aforementioned Stakeholders by knowingly withholding crucial material facts.

SECY-017

E-RIDB: SECY-01

Contention #1:

Applicants Have Failed to Meet the Mandates of NEPA, of 10CFR 51.53 Post Construction Environmental Reports or of 10CFR 51.21 Actions Requiring Environmental Assessments in Their Applications.

Neither the application for license renewal of IP2 nor the application for license renewal of IP3 fulfill the legal obligations as delineated in NEPA and the Code of Federal Regulations to prepare and submit, as part of their applications, a description of the proposed action, including each applicant's plans 'to modify the facility' and describe in detail the modifications affecting the environment or affecting plant effluence that affect the environment' 10CFR 53(c)(1)(2). Moreover, 10CFR 53(c)(3)(ii)(E) mandates that 'all license renewal applicants shall assess the impact of refurbishment and other license renewal related construction activities on important plant and animal habitats. Additionally, the applicants shall assess the impact of the proposed action on threatened or endangered species in accordance with the Endangered Species Act'.

The applicants have not only failed to provide the mandated reports in the specificity required but provided absolutely no environmental reports at all on their plans to change or modify the facility or refurbish same. The applicants, at section 3.3 of their Environmental Report Refurbishment Activities, simply and dismissively state that 'there are no such refurbishment activities planned at this time' and thus provide no Environmental Report on refurbishment.

Omitted is the fact Entergy has already ordered Replacement Reactor Vessel Heads for Indian Point #2 and Indian Point #3; with delivery dates scheduled for October 2011 and October 2012 respectively, as evidence by the attached page of the Doosan Heavy Industries Construction Co., Ltd presentation at the Burns & Roe 17th Annual Seminar, Powering the Future, March 21, 2007. Attached hereto as exhibit "A".

This undisclosed, major refurbishment issue indicates Entergy's willful omission of a vital fact in their relicensing application, as it was never mentioned in Entergy's re-licensing application. A complete comprehensive design basis inspection of the integrity of the containment dome liner and the rust in the dome liner, was delayed 5 years. This inspection is almost due, yet it is not addressed in the application.

Entergy intentionally picked specific information to go into the environmental report of the re-licensing application. Ignoring significant information is in contradiction to the NRC regulations which requires applications to be complete and accurate. Therefore, the NRC must not accept Entergy's application as complete.

Reactor vessels, of course, are far from tangential components. They contain the nuclear fuels in the plants, and, over time, are irradiated which can lead to embrittlement, deterioration, loss of material, and less able to withstand flaws which may be present. The 2002 incident at the Davis Besse Nuclear Plants only highlight the integral nature of the vessel and the vessel heads. Nevertheless, neither action is listed, described, or

reported on the environmental impact of vessel head replacement nor are any other refurbishments.

IP2 and IP3 apparently, take the position that the above and other changes or modifications are not within the purview of the law. The change/modification/replacement of the vessel heads and presumably other proposed, yet undisclosed actions, are within the scope of 10CFR 53 and 10CFR 54.21. As stated by the Nuclear Regulatory Commission 'For the purposes of the Environmental Impact Review, refurbishment describes an activity or change in a facility that is needed to support operations during the renewal term'. The replacement of the reactor vessel heads are needed to support operations during the renewal term and environmental report delineating with specificity all potential impacts remediations and alternatives must be set forth, inclusive of, but not limited to, worker radiation exposure, construction traffic and noise, construction runoff, radiation releases, impacts on plant and animal habitats, and the impact of the proposed actions on threatened or endangered species in accordance with the Endangered Species Act.

The undersigned respectfully request that both IP2 and IP3 be required, in their respective Environmental Reports, to fully delineate any and all refurbishments, key component modifications, and changes as well as a complete and thorough impact, mitigation, alternative analysis on each, prior to the NRC accepting the application for license renewal to be deemed complete and accurate.

Contention #2

The Applicants' Environmental Report Fails to Address, as Mandated by the National Environmental Policy Act (NEPA), the Environmental Impacts of a Terrorist Attack on Any and All Systems, Structures, and Components of IP2 and IP3 and the Consequent Radiation Releases. The Environmental Report also Fails to Address What Alternatives Exist to the Requested License Renewals and What Effective Mitigating Methods are Available Regarding Said Terrorist Attacks.

The instant applicants for license renewals have wholly failed to address or consider the consequences of a terrorist attack on IP2 and IP3 in their applications. NEPA requires a thorough consideration of same for each applicant.

The applicants' Environmental Report has failed to address the consequences of a potential aircraft attack or other types of terrorist attacks on either or both reactors, the vulnerability of the spent fuel pool to a terrorist attack and the consequences of same, design basis threats that applicants are required to defend against with high assurances a (10 CFR sec 73.1) in the compensatory measures to defend against terrorism. In *San Luis Obispo Mothers for Peace vs. NRC* (cite?) the 9th Circuit Court of Appeals held that the NRC could not, under NEPA, categorically refuse to consider the consequences of a terrorist attack against a spent fuel storage facility at the Diablo Canyon reactor site in California. The 9th Circuit's holding and dicta are applicable and relevant herein.

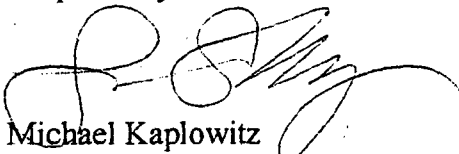
Further, the NRC's own guidelines specifically state that ALL Stakeholders must be treated equally and fairly. Therefore when the NRC grant the citizen's request of inclusion of this issue in the Pa'ina Hawaii, LLC Irradiator license application in Honolulu, Hawaii, it set the precedent by which the NRC must include the consequences of a terrorist attack in the issuance of a new superceding license.

Therefore since the applicant has failed to include the cite specific considerations of terrorism, such as that IP 2 and IP 3 are the only plant in the nation that the 9/11 terrorist planes flew directly over; that the 9/11 terrorist had originally planned to attack Indian Point; that Indian Point is located 25 miles from New York City; is surrounded by 20 million people, 8% of the United States population; is located less than 5 miles from West Point military academy, where our future military leaders are being trained; is located on the banks of the Hudson, a river that is easy to navigate from the air; does not have a non-fly zone; and is surrounded by at least 5 major airport and countless small ones.

Moreover the attacks of 9/11, pursuant to 10 CFR sec 51.53 (c)(3)(IV) present new evidence that was not available at the original licensing of either IP2 or IP3

The undersigned respectfully request that both IP2 and IP3 be required, in their respective Environmental Reports, to fully delineate the consequences of a terrorist attack and how aging management of terrorism will be handled during the new superceding license, as well as a complete and thorough impact, mitigation, alternative analysis on each, prior to the NRC accepting the application for license renewal to be deemed complete and accurate.

Respectfully Submitted



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Doosan Heavy Industries & Construction

**Doosan Heavy Industries
& Construction Co., Ltd.**
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Presented at the
Burns & Roe 17th Annual Seminar
Powering the Future
March 21, 2007

On-going Projects (I)

◆ Entergy Replacement Reactor Vessel Head

- Customer : Entergy
- Primary Contractor : Westinghouse
- Projects : ANO #2 (Site Delivery: January, 2008)
Waterford #3 (Site Delivery: February, 2008)
Indian Point #2 (Site Delivery: October, 2011)
Indian Point #3 (Site Delivery: October, 2012)
- Scope : Four (4) RRVHs
Two (2) sets of CRDM (for Indian Point #2 & 3 only)
- Manufacturer : DOOSAN (EMD supplies CRDM as the subsupplier)

◆ Qinshan Phase II #3 Reactor Vessel

- Customer : NPQJVC (Nuclear Power Qinshan Joint Venture Co.)
- Contractors : DOOSAN (#3), CFHI (#4)
- DOOSAN's Scope : One(1) Reactor Vessel & Technical Assistance
- Expected shipping : June, 2008



Doosan Heavy Industries & Construction