

Indian Point Nuclear Generating Unit Nos 2 and 3
License Renewal Application
Environmental Scoping Meeting - September 19, 2007
Written Submittals from Audience - 7:00 pm

DOCKETS SO-247
 SO-268

Statement of Congressman John Hall
Indian Point Energy Center Relicensing Environmental Scoping Meeting
September 19, 2007

I would like to begin by thanking the NRC for holding this meeting today. As I'm sure the Commission can see from today's turnout and the passion shown by Indian Point's neighbors, the environmental impact of Indian Point is critically important to the Hudson Valley and must figure prominently in the NRC's consideration of Entergy's license renewal application.

The environmental impact of Indian Point on public health, local resources, and water quality continues to be one of the most serious issues facing our region. Indian Point already exacts a heavy toll on our local environment in ways I will elaborate on in a moment, and presents a constant threat to the well-being of its host communities. When Entergy filed its license renewal application on April 30th of this year, it raised the possibility that IP2 and IP3 could continue to operate for another 20 years. If that is to be the case, then the relicensing process discussed here today must result in fundamental changes in the way the plant is operated and the environmental damage created by the plant is mitigated.

It is for that reason that I vehemently believe that the NRC must keep one fundamental fact in mind throughout this process: The relicensing of Indian Point cannot be conducted in an environmental vacuum. This process cannot be subjected to a regulatory run-around that examines some systems and excludes others. If there is an incident involving an operating system or a spent fuel pool, or another aspect of the plant that incident will have an environmental impact on surrounding communities regardless of whether or not the regulatory framework required them to be studied. The environmental scope of the NRC's review must reflect that reality by encompassing the entirety of operations at Indian Point.

With that said, I believe that there are several vital issues that must be considered by the NRC as it goes about the work of creating its draft environmental impact statement (DEIS).

The first, and perhaps most disturbing, of these issues is the continued existence of uncontrolled leaks of radioactive material from Indian Point's spent fuel pools. For almost 2 years Indian Point has been leaking tritium and the cancer-causing strontium-90 into the soil and water surrounding the plant. Alarmingly, it is possible that some of this material may even be making its way into the Hudson River. Just two weeks ago, another pin-hole sized leak was discovered in the fuel transfer canal. The fact that these leaks have continued to disperse radioactive materials for years with no sure knowledge of their source or concrete plan to stop them should make it clear that they constitute a significant environmental threat that must be addressed in this relicensing process. Specifically, I believe that the spent fuel pools should be considered within the scope of the Aging Management Review, that radiological monitoring in the Hudson should be

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expanded to more forms of aquatic life, and that a condition of relicensing should be a requirement that Entergy find and stop these leaks.

Indian Point's operations also place a great strain on the Hudson through the introduction of thermal pollution that has an undeniably negative impact on the river's ecosystem. As a result of its cooling process, Indian Point consumes billions of gallons of water a day and undermines the survival of several critical species of fish and wildlife. Clearly, this is a direct environmental impact of the plant's continued operation and warrants consideration in the DEIS.

Indian Point's location in the New York City Metro Area and at the heart of the watershed that serves New York City and Westchester makes safety and security an issue worthy of environmental consideration as well. An incident at the plant could have catastrophic impacts on the local environment and human health by rendering much of the region uninhabitable in a worst case scenario. The 2003 Witt report declared that current radiological response plans are not adequate to protect the public, and the plan has been met with strenuous local government opposition. Given the stakes, it is necessary and appropriate for the NRC to consider the effectiveness of the evacuation plans for Indian Point in the context of environmental conditions and human health.

Since this is a process with potentially long term repercussions, the DEIS must also be prepared to look into the future. Indian Point's spent fuel pools are rapidly reaching their maximum capacity, and if the plant is allowed to operate decades into the future the impacts of continued waste storage, the shift from fuel pools to dry cask storage, and the ability of Indian Point to accommodate projected volumes of nuclear waste must be considered in the DEIS.

If Indian Point is to receive a license renewal for another 20 years of operation, the communities of the Hudson Valley deserve to know that the NRC relicensing process has been thorough, open, and has guaranteed that Indian point will operate in more environmentally responsible manner in its next 20 years than it has in its first 30. To do that, the process must encompass the full environmental impact of Indian Point on its host communities. Indian Point's reactors do not operate in a vacuum, and neither should the relicensing process that will determine their future.

CASE NO.
OFF EXH. NO.: NRC/7KZOP 11
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9/19/07

TESTIMONY OF MICHAEL R. EDELSTEIN, PH.D.
President, Orange Environment, Inc.

At the
SCOPING HEARING FOR INDIAN POINT NUCLEAR GENERATING
UNIT NOS. 2 AND 3, LICENSE RENEWAL APPLICATION

September 19, 2007
Cortland Manor, Putnam, County

I am President of a 501C3 organization, Orange Environment, Inc. that for the past 25 years has been deeply involved in the crucial environmental, community and sustainability issues affecting Orange County, New York and its region. OEI has intervened in numerous permit hearings for hazardous facilities. OEI is a member of the Indian Point Coalition, which includes Riverkeeper and other organizations. I am speaking tonight on behalf of OEI.

I am Professor of Psychology at Ramapo College of New Jersey, whose campus and nearly 6,000 students and staff are also potentially within an impact region for the Indian Point Complex. At Ramapo, I head the Environmental Studies program and co-direct the Institute for Environmental Studies.

I am also a past candidate for Orange County Executive. During my campaign, I took the position, which I still hold, that the reactors in question today represent a hazard for the residents of Orange County and should be closed and deactivated.

My scoping input for the environmental review of the continued operations under a renewed license of Units 2 and 3 at the Indian Point Nuclear Power Plant is informed by my nearly thirty years of work as an Environmental Psychologist studying the social and psychological impacts resulting from environmental exposures and disasters. My book, *Contaminated Communities* (Second Edition, Westview Press, 2003/4) is considered to be the classic text for understanding such environmental impacts. My most recent book, *Cultures of Contamination* Elsevier Press, 2007), contrasts the response to toxic and radioactive contamination in the U.S. and Russia, including extensive discussion of Chernobyl, the Mayak disaster and the Hanford Nuclear Complex in the U.S. In the course of my research and practice, I have given testimony for toxic torts litigation and administrative hearings involving hazardous facilities and worked as a consultant on several state study teams examining the potential impacts of siting a high level nuclear waste repository.

SCOPING LIST

Section 1

1. My scoping list begins with the need to review the assumptions of the original Reactor Safety Study by Rasmussen, the basis for the position that nuclear reactors are safe, i.e., that the likelihood of a high consequence accident is sufficiently remote to make the building and operation of reactors acceptable.
 - a. Whatever the merit of these assumptions when written, how would they be revisited given our experience witnessing just how high the consequences of a plant accident can be?
 - b. How commonplace non-catastrophic events have been?
 - c. And that even unlikely serious events are still likely enough to occur unacceptably often?

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- d. This analysis should develop a catalog of potential events, ranging from small to worst case catastrophic disaster, indicating all likely scenarios for each event type. This typology will then be used throughout the document as a template for outlining the supporting analysis for every topic. Each typology should be accompanied by a spatial impact zone analysis for the event as well as an analysis of the type of impacts expected.
- 2. And how is the likelihood of failure (and plant safety) affected by the continued operation of a nuclear reactor well beyond its original design life?
- 3. The review must thoroughly address implications for Indian Point of the failure of the civilian nuclear waste disposal program following the Nuclear Waste Policy Act as passed and subsequently amended calls into question the wisdom, safety and feasibility of permitting any new or renewed nuclear plant licenses because there are no acceptable long term waste disposal options. It is not sufficient to say that Yucca Mountain might open or that temporary onsite storage might suffice. At a minimum, the document must address the issue of wastes in the short, intermediate, long and perpetual term, giving a full impact analysis of all issues associated with onsite storage, transportation of wastes and eventual disposal. If this issue cannot be addressed with a level of completeness, and showing satisfactory avoidance of impact, then the project is not permitable.
- 4. The assessment must also address the specific conditions that face Indian Point's operation in context, some of which were evident at the time of the siting but are further understood today. These issues for scoping include:
 - a. The Ramapo fault line as a threat to reactor integrity. Is this a geologically appropriate location for a nuclear facility?
 - b. The proximity and susceptibility of populations in potential and perhaps likely harms way should an accident or release materialize. What are the changed demographics and population conditions within a worst-case zone around the plant?
 - c. The issues of human and design error that, since Three Mile Island, have been recognized as commonplace, expected and, in the language of reactor and hazardous facility expert Charles Perrow, "normal accidents." What are the implications of "normal accident" theory for these plants?
 - d. The abominable record regarding plant integrity that has plagued Indian Point, as evidenced by tritium leakage and other threats to the Hudson River, groundwater and the surrounding population and biota.
 - e. The questionable record of security amassed by Entergy, the plant operator.
 - f. The issue of terrorism and new security threats (for example, complicated by onsite waste storage).
 - g. The repeated and endemic failure of sirens and warning systems. There is a contradiction presently between the failure of mandated warning capability and the continued permitting of the plant that cannot be perpetuated in a new permit. The study must address the issue that such mitigations, when unrealized, represent a failure of the level of protection that was deemed requisite for permitting to begin with. Are mitigations only rhetorical or must they be substantive as well? What has the failure of regulation been to date that has allowed rhetorical mitigation to suffice?
 - h. The warning failures are coupled with the impossibility of evacuating at risk populations even if warning devices functioned properly. Studies need to thoroughly review and test the feasibility of any evacuation scenario that is considered in the decision to reauthorize. Evacuation cannot be considered a protective mitigatory option if it is not going to happen. These evacuation

- issues include but are hardly limited to the facts, to be confirmed in the study, that:
- i. Evacuating populations would have great difficulty moving west across the Hudson River crossings.
 - j. That once across the river, they would find it difficult if not impossible to move out of likely fallout or impact zones due extreme baseline congestion problems on the New York State Thruway, New Jersey roadways, Rt. 17/6/86 and Rt. 84. These roads have unacceptable LOS rates during portions of the week.
 - k. That proposed development, including proposed casinos in Sullivan County, New York, threaten to make congestion problems intractable in the foreseeable future. How does evacuation occur in a zone of perpetual immobility?
 - l. That the availability of evacuation vehicles and drivers for populations is not certain. Katrina was a test case for the issues of unrealized evacuation.
 - m. That evacuation areas for populations are inadequate and not sufficiently isolated from potential impacts. A review must address where evacuated people will gather and be cared for at a level of potential successful implementation, something currently lacking. Furthermore, the length of evacuation and the possibilities for relocation if evacuation is long term or permanent must be fully explored, along with all of the attendant impact issues (loss of jobs, livelihood, property loss and replacement, the readiness of current insurance policies to address liability issues, evacuation and care for injured in short and long term, costs of cleanup, rehabilitation and reconstruction, etc.)
 - n. That evacuating populations on the west side of the river would block or be blocked by those evacuating from the east side of the river. The prospect of people being blocked by congestion from fleeing during a disaster demanding their evacuation promises enormous trauma and no mitigation of risk of exposure.
 - o. That under the best circumstances, some residents of evacuation zones would remain at home, workplace or community even if ordered to leave or would delay departure (looking for their family members, animals, securing homes against vandalism, or doubting the need or efficacy of escape). While this trend would ease road congestion, what are the possibilities for people to ride out nuclear disasters caused by Indian Point at home?
 - p. Is the iodine distribution process adequate to the test of a real disaster?
 - q. That the overall inability to safely evacuate populations at risk during an Indian Point event (even if no release eventually occurred) parallels the factual basis for the decision to never start up the Seabrook Nuclear power plant on Long Island even though the plant was newly built and never operated. If New York determined it too dangerous for Seabrook to open, in what ways are conditions at Indian Point different enough to justify a different outcome?
 - r. That development of air traffic at Stewart Airbase in Newburgh and realigned air routes by the FCC associated with Newark Airport further compound congestion on land and by air in the region of the plant.

Section II

The document must also address health consequences, incorporating psycho-social as well as physical health consequences. Because there is a long history of Indian Point, historic and current impacts can be assessed to serve as a guide to future impacts. There is also a substantial literature related to the psycho-social impact issues of plant siting and plant events and accidents. For example, Three Mile Island, while its impacts are thought to be relatively minor in terms of radioactive release, were not minor in terms of stress and psycho-social impact (let the study review the very extensive literature) and of course, that TMI involved the near status of a major accident. Likewise, Chernobyl and other types of human-caused disasters have a known and documented legacy that should be discussed in light of the historical and proposed future operations of Indian Point.

Accordingly, the study must assess:

1. the contributions of the plant to stress experienced by those living and working in the surrounding and potentially impacted communities,
2. perceived threats and their correspondence to the typology of reactor events
3. an assessment of the everyday impacts of the plant's operation
4. An analysis of the psycho-social consequences associated with bounding of risk (the creation of demarcations on a map of risk zones, as currently practices) and the corresponding reality of such lines on a map.
5. Psycho-social consequences associated with such events as chronic and acute leaks, accidents, breaches of security, terrorist acts, warning system failures, evacuation system failures, loss of political support, loss of public support, etc. This analysis shall include for all events, including everyday operation, impacts to perceived safety.
6. An assessment of the historic impact of the plant on property values, tax collection, home sales and economic activity and development that shows lost opportunities and costs as well as benefits. This analysis shall include assessments of residents, home buyers, realtors, business investors, renting behavior, people evaluating where to live in the region, effects on tourism, and all areas of economic impact at outward spheres of impact, including existing risk zones, and beyond. The level of analysis will include an understanding of the type of land use and residential decisions that are made and what choices are foregone due to the plant.
7. An assessment of Environmental Justice impacts associated with demographic influences or economic consequences of the plant.
8. An analysis of perceived and confirmed health consequences of living and working in the potential impact zones of the plant.
9. An analysis of perceived impacts to psychological well being, overall quality of life and people's sense of control over their lives for the various impact zones around the plant due to the existing and re-permitted facilities.
10. An analysis of perceived impacts to people's feelings about the safety, desirability and integrity of the local environment due to the existing and re-permitted facilities and impacts for their connection to place.
11. An analysis if the perceived impacts to people's feelings about the safety and desirability of their homes and any changes to behavior toward homes, the quality of home life and home ownership or rentership and the use of homes due to the existing and re-permitted facilities.
12. An analysis of community life as affected due to the existing and re-permitted facilities.
13. An analysis of local economic life due to the existing and re-permitted facilities and contrasting re-permitting to closure.
14. An analysis of how effects to patterns of behavior and lifestyle due to the existing and re-permitted facilities.

15. An analysis of changes to the experience of childhood in the surrounding and impacted communities due to the existing and re-permitted facilities.
16. An analysis of changes to the quality of family relationships and experiences due to the existing and re-permitted facilities.
17. An analysis of community cohesion and conflict as affected by the existing and re-permitted facilities.
18. An analysis of how the impact region would be different at different future intervals comparing re-permitting to closure and decommissioning.
19. An analysis of the psycho-social consequences (behaviors, cognitive and emotional) and victimization conditions associated with all scenarios and types of plant events for the existing and re-permitted facilities.

DEPTH OF TREATMENT

The review of Indian Point 2 and 3 reactors must attain a level of criticality and thoroughness if there is any chance of justifying a permit renewal. In this regard, the review, for each of the issues raised for scoping, must thoroughly evaluate the critical issues of NEPA. Specifically,

20. Need for the plant renewals must be examined in a comprehensive manner, both from the perspective of the public and Entergy. It is noted here, that unless issues such as the lack of any long term nuclear waste disposal options can be addressed and unless the entire nuclear cycle is thoroughly included in the analysis, nuclear power cannot be justified as a greenhouse friendly technology.
21. Alternatives must be thoroughly reviewed for their feasibility and impacts. In particular, a thorough and honest review of the use of conservation, renewable energy and other emerging innovations must be included that explores the use of these approaches to replace the contributions made by Indian Point. It will not be sufficient to use coal fired or other fossil fuel technologies as a straw dog to justify nuclear power.
22. Mitigations that are suggested must be explored in depth and established with contingencies should they fail to be implemented or work.
23. Secondary and further impacts must be explored beyond primary impacts, as well as the relationship between different levels of impact.
24. Cumulative impacts for all scoped areas of consideration must be fully explored. For example, a serious accident at an Indian Point Reactor would have multiple responses, all affecting the same populations and responders, infrastructure and region. As these simultaneous subevents occur, they will interact with each other, potentially changing, magnifying or causing other interactive and synergistic outcomes. These need to be fully explored.
25. Short term, Intermediate term, Long term and Perpetual Term consequences need to be assessed. A serious nuclear event is likely to extend far into the future, as is indicated by the consequences of the Chernobyl and Mayak accidents and by releases at American and foreign nuclear reservations and facilities. During the high level nuclear waste studies, my former colleague Michael Brill did a consulting report on how one would communicate danger to people approaching a nuclear site many tens of thousands of years from now, when no current language would be understood.
26. Energy Impacts. An event at Indian Point would impact energy availability and potentially cause additional energy impacts. Regional fires might cause microclimatic effects, reducing the effectiveness of solar panels, etc.
27. Irreversible and irretrievable impacts. As indicated by the Chernobyl accident, which occurred in a very different reactor but was human caused, consequences of a nuclear

event can be widespread and so long lasting as to require effectively permanent land use changes. Ecosystem impacts and health impacts can be widespread. Even fundamental social change was induced by the accident and the way it was initially handled. The dead zones around Chernobyl and Mayak are echoed by American dead zones in some of our nuclear reservations. And the issue of creating nuclear wastes for which there is no reasonable disposal option is itself and irreversible and irretrievable change.

For a permit to be issued for the Indian Point Reactors, the NRC must weigh and balance data of environmental, economic and social impact. As lead agency, the NRC must first demand a level of review that will produce information capable of informing that judgment. And, key to this crucial decision will be revisiting the central question of acceptable risk in the context of Indian Point. If you have any questions or require additional guidance, please do not hesitate to contact me. Sincerely,

Michael R. Edelstein, Ph.D.
ecoedelstein@gmail.com

Orange Environment, Inc., Box 25 Goshen NY 10924. 845 294 5252. oeoffice@warwick.net

PURPOSE: To discuss the environmental scoping process for These meetings will provide members of the public with the opportunity to provide comments regarding environmental issues that the U.S. Nuclear Regulatory Commission (NRC) should consider during its review of the LRA. These meetings are being conducted as part of the scoping process outlined in Title 10 of the *Code of Federal Regulations* Part 51 (10 CFR Part 51) to support development of an environmental impact statement related to the LRA. See the enclosed Agenda. The LRA is available at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/indian-point.html> and in the Agencywide Documents Access and Management System (Accession Number ML071210507).

Jill Caverly, Project Manager /RA/
Environmental Branch B
Division of License Renewal
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission

CASE NO.
OFF. EXH. NO.: NRC/7~~BGP~~/2
ID'D/RECD

Indian Point Must Go!

lyrics by Sunny Armer, written for the Raging Grannies . . . and their friends of Westchester, NY

(tune: "My Bonnie Lies Over the Ocean")

**Thank you, NRC, for this meeting.
We know what you don't want to hear.
Don't dare to extend this plant's license
By even as much as one year.**

**Yes, Entergy promises safety,
But sometimes their sirens don't blow,
And strontium leaks are polluting
So Indian Point has to go!**

CHORUS:

**No nukes,
No nukes,
Indian Point has to go
Right now!
No nukes,
No nukes,
Yes Indian Point has to go!**

**This plant is unsafe for employees
But we don't want anyone fired.
Retrain them for alternate energy
And make sure that they get rehired.**

**This plant is a terrorist target.
Why not use much less toxic fuels?
Convert to a natural gas plant!
Secure those nuclear waste pools.**

REPEAT CHORUS

**Once Indian Point was reviewed by
An expert whose name was James Witt.
He proved that evacuation
By Entergy's plan was worth . . .
[BRIEF PAUSE, THEN THUMBS DOWN GESTURE]**

**Thanks, NRC, for your attention.
We're glad that you all stayed awake.
Security guards we could mention
Sometimes take a long coffee break.**

VARIATION ON CHORUS

**Shut it down!
Shut it down!
Indian Point is unsafe, we know!
Shut it down!
Shut it down!
Indian Point has to go!**

Note: The subject of the third verse was added at suggestion of Pete Seeger, when he sang an earlier version of this song with the Raging Grannies at the Clearwater Festival (June 17, 2007).

NRC/17/07 PV/3

CASE NO.: NRC / 7NAPP / 3
OFF. EXH. NO.: 10
ID. REC'D.
9/19/07

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Raging Grannies

. . . and Their Friends

singing new words to familiar tunes about the issues of peace, the environment and social justice. Satirical and serious, we are politically conscious but non-partisan.



To invite us to sing, or
to join the Raging
Grannies:

Linda Conte

linda@conte.org

African American Environmentalist Association

Written Statement of

Norris McDonald

Founder and President
African American Environmentalist Association

For the

Environmental Scoping Public Meeting

For

License Renewal

For the

Indian Point Nuclear Power Plant

Presented to the

U.S. Nuclear Regulatory Commission

Office of Nuclear Reactor Regulation

September 19, 2007

AAEA Statement on Indian Point LRA

Introduction

My name is Norris McDonald and I am the founder and president of the African American Environmentalist Association (AAEA). AAEA, founded in 1985, is an organization dedicated to protecting the environment, enhancing human, animal and plant ecologies and promoting the efficient use of natural resources. AAEA includes an African American point of view in environmental policy decision-making and resolves environmental racism and injustice issues through the application of practical environmental solutions.

AAEA supports the 20-year License Renewal for the Indian Point nuclear power plant located in Buchanan, New York. AAEA expressed public support for nuclear power for the first time in 2001 after a two-year internal process of studying and debating the issue. AAEA was the first environmental organization to support nuclear power and I was the first environmentalist to publicly support this technology. I am a veteran environmentalist with 28 years experience working on environmental and energy issues.¹

The AAEA headquarters office is located in the metropolitan Washington, D.C., area and we also maintain a New York City chapter located in Long Island, New York.² AAEA also has chapters in other states and in other countries.³

Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Indian Point 3, LLC (hereafter referred to as "Entergy") has submitted an Environmental Report (ER) in conjunction with the License Renewal Application (LRA) to the U.S. Nuclear Regulatory Commission (NRC) to renew the operating licenses for Indian Point Units 2 and 3 (IP2 and IP3) for twenty years beyond the end of the current license terms. AAEA will comment on the contents of the ER and provide its own environmental perspective about the LRA.

¹ Mr. McDonald has published numerous articles on environmental issues, including: Global Warming and the African American Community (<http://www.blackelectorate.com/articles.asp?ID=629> & <http://www.blackelectorate.com/articles.asp?ID=630>); What A Good Energy Policy Means for Blacks (<http://www.blackelectorate.com/articles.asp?ID=508>); and South Africa Takes the Lead in Nuclear Energy (<http://www.blackelectorate.com/articles.asp?ID=524>).

² <http://groups.msn.com/aaeanewyork>

³ Active: Nigeria, China, Hong Kong, Midwest, Southeast, Missouri. Inactive: Texas and Los Angeles

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Of particular import to AAEA is the promotion of clean air in African American communities. Because nuclear power is emission-free and has a demonstrated safety record, whereas fossil-fuel power contributes to numerous health issues, AAEA seeks to promote the safe use of nuclear power. AAEA specifically supports the Indian Point 2 and 3 nuclear power facilities because these facilities provide significant electrical capacity to the State of New York with minimal human, animal, air, water, and land impacts. This public support started in 2001 and continues to this day. The fundamental reasons that AAEA supports nuclear power are:

- Nuclear power provides electricity safely and reliably,
- Nuclear power produces no smog forming emissions,
- Nuclear power produces no greenhouse gases,
- Spent fuel can be reprocessed for reuse,
- Yucca Mountain is acceptable as a repository for non-recyclable products,
- Nuclear power has an excellent quarter century safety record, and
- Nuclear power plants can use nuclear bomb warhead material as a fuel.

Indian Point is one of 103 other commercial nuclear power plants that provide 20 percent of our nation's electricity.

Environmental Justice

Environmental justice is defined by AAEA as the fair treatment of all people regardless of race or income with respect to environmental issues. AAEA was among the participants at the U.S. Environmental Protection Agency in 1991 when environmental justice policies were first being considered by the agency. AAEA is currently promoting environmental justice locally, regionally and nationally.

The license renewal of Indian Point is vitally needed because if units two and three are not producing emission free electricity then the air pollution will increase throughout the region, which will exacerbate conditions in minority

AAEA Statement on Indian Point LRA

communities already overburdened by pollution sites. Indian Point provides reliable emission free energy without contributing pollutants that exacerbate asthma. Closure of Indian Point would also result in compliance issues for the State with respect to the federal Clean Air Act State Implementation Plan ("SIP") and to meeting the requirements of the Regional Greenhouse Gas Initiative (RGGI).

AAEA is deeply concerned with any policy or measure that impacts the air quality of the communities where it is based, or that affects the health of its members. Comments being submitted by our New York Office address the specific environmental justice issues that are negatively affecting minority communities. Those comments will specifically list how the operation of Indian Point continually mitigates those negative effects.

Environmental Justice Review

This section of the ER could be a little confusing to the casual observer. In one section it states, "The need for and the content of an analysis of environmental justice will be addressed in plant specific reviews." (4.22.2) The next section states, "Other than the above referenced finding, there is no requirement concerning environmental justice in 10 CFR Part 51." (4.22.3). The Background section then goes on to state, "The environmental justice review involves identifying off-site environmental impacts, their geographic locations, minority and low income populations that may be affected, the significance of such effects, and whether they are disproportionately high and adverse compared to the population at large within the geographic area, and if so, what mitigative measures are available, and which will be implemented. The NRC staff will perform the environmental justice review to determine whether there will be disproportionately high human health and environmental effects on minority and low-income populations and report the review in its SEIS." The section then comes full circle to state, "The staff's review will be based on information provided in the ER and developed during the staff's site-specific scoping process." (4.22.4). So Entergy is not required to develop the environmental justice analysis, but the NRC will conduct an environmental justice review based

AAEA Statement on Indian Point LRA

on information provided by Entergy in the ER. Regardless, we agree with Entergy's assessment that, "there can be no disproportionately high and adverse impacts or effects on members of the public, including minority and low-income populations, resulting from the renewal of the IP2 and IP3 Operating Licenses."

(4.22.6) We have one caveat. This section did not include the great environmental benefits that Indian Point provides to minority communities. Entergy is enhancing environmental justice and is fighting environmental injustice. It should be allowed to continue doing so for another 20 years.

Fossil-Fuel Power Causes Serious Adverse Health Effects

In 1999, coal-fired power plants in the United States emitted into the environment 11.3 million tons of sulfur dioxide ("SO₂"), a criteria air pollutant that is correlated to asthma and impaired lung functions, 6.5 million tons of nitrogen oxides ("NO_x") which, when combined with other pollutants and sunlight, forms ozone, another lung irritant linked to asthma, and 1.9 billion tons of carbon dioxide ("CO₂"), yet another contributor to increased ozone levels.⁴ This equates to approximately 60% of all SO₂ emissions, 25% of all NO_x emissions, and 32% of all CO₂ emissions nationwide.⁵

These and other airborne pollutants emitted by fossil-fuel power stations may have a direct and significant effect on human health. In a study by Abt Associates, one of the largest for-profit government and business research consulting firms in the world, it was found that over 30,000 deaths each year are attributable to air pollution from U.S. power plants.⁶ Another study found that air pollution from power plants was a contributing factor to higher infant mortality

⁴ See Rachel H. Cease, ADVERSE HEALTH IMPACTS OF GRANDFATHERED POWER PLANTS AND THE CLEAN AIR ACT: TIME TO TEACH OLD POWER PLANTS NEW TECHNOLOGY, 17 J. Nat. Resources & Envtl. L. 157, 158 (2002-2003); Martha H. Keating, AIR INJUSTICE, at 4 (October 2002) (attached hereto as Exhibit B).

⁵ 17 J. Nat. Resources & Envtl. L. at 158.

⁶ *Id.* at 159.

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rates and higher incidences of Sudden Infant Death Syndrome ("SIDS").⁷

Research has further shown that pollutants from fossil-fuel power plants form tiny acidic particles (called fine particulate matter) that are linked to diseases of both the respiratory and cardiovascular systems.⁸ Not surprisingly, air pollution has been characterized as one of the largest threats to public health.⁹

The Negative Health Effects of Fossil-Fuel Power Are Borne Disproportionately by African Americans

Sadly, these serious health effects disproportionately fall on the shoulders of low-income and minority communities, including African American communities. For instance, the percentage of African Americans and Hispanics living in areas that do not meet national standards for air quality is considerably higher than that of whites.¹⁰ Correspondingly, respiratory ailments affect African Americans at rates significantly higher than whites. Asthma attacks, for example, send African Americans to the emergency room at three times the rate of whites (174.3 visits per 10,000 people for African Americans versus 59.4 visits per 10,000 people for whites), and African Americans are hospitalized for asthma at more than three times the rate of whites (35.6 admissions per 10,000 people for African Americans versus 10.6 admissions for every 10,000 people for whites).¹¹ Similarly, the death rate from asthma for African Americans is almost three times that of whites (38.7 deaths per million versus 14.2 deaths per million).¹²

⁷ See Martha H. Keating, AIR INJUSTICE, at 3 (October 2002).

⁸ See *id.* at 4. See also Air Quality in Queens County: Opportunities for Cleaning Up the Air in Queens County and Neighboring Regions, at S-6, Synapse Energy Economics, Inc. (May 2003) ("Air Quality in Queens County") ("Epidemiological studies tell us that on days when air pollution levels are high, more people get sick or die.") (available at <http://www.synapse-energy.com/Downloads/Synapse-report-queens-air-quality-exec-summary-05-29-2003.pdf>); Children at Risk: How Pollution from Power Plants Threatens the Health of America's Children, at 2, Clean Air Task Force (May 2002) ("Power plant emissions and their byproducts form particulate matter, ozone smog and air toxics. These pollutants are associated with respiratory hospitalizations, lost school days due to asthma attacks, low birth weight, stunted lung growth and tragically, even infant death.") (available at <http://cta.policy.net/fact/children/>).

⁹ Allison L. Russell, URBAN POLLUTANTS: A REVIEW AND ANNOTATED BIBLIOGRAPHY, at 3, New York City Environmental Justice Alliance 2000 (available at <http://www.nyceja.org/pdf/Urban.pdf>).

¹⁰ See *id.*

¹¹ *Id.*

¹² *Id.*

AAEA Statement on Indian Point LRA

The Benefits of Indian Point 2 and 3

The Indian Point facilities, located in the affluent and predominantly white Westchester County, have a combined generating capacity of approximately 2000 MW. The facilities provide approximately 20-30% of the electricity for New York City and its northern suburbs. And, unlike New York's fossil-fuel burning facilities, Indian Point 2 and 3 do not pollute the air.

Applicant's Environmental Report

The proposed action of renewing the operating license for Indian Point would lead to continued environmental benefits for the region. The alternatives to the proposed action: no action, decommissioning or utilizing alternative energy sources, will either have very negative environmental impacts or are not feasible. The proposed action is to renew the operating licenses for IP2 and IP3 for a period of twenty (20) years beyond the current operating licenses' expiration dates. For IP2 the requested renewal would extend the existing license expiration date from September 28, 2013 until September 28, 2033. For IP3 the requested renewal would extend the existing license expiration date from December 12, 2015 to December 12, 2035.

Physical and Chemical Environment

The lower Hudson River is a 152-mile tidal estuary and Indian Point is located 43 miles from the mouth. Two of the most serious issues around the plant are 1) it is located in a Clean Air Act nonattainment area and 2) serious PCB contamination occurred upriver and there are currently plans for mitigation. Regarding air issues, Indian Point is probably the most positive industrial structure in the region that provides valuable electricity service while adding no EPA criteria pollutants. In terms of the river, poison runoff from urban, suburban and rural sources is the principle threat to the river. The ER comprehensively covers the environmental issues related to the physical and chemical environments in the area. The ER also includes helpful information generated from years of environmental impact statements generated by the New York

AAEA Statement on Indian Point LRA

Department of Environmental Conservation. The report provides extensive coverage of the endangered species in the area. The NRC Generic Environmental Impact Statement is utilized to establish characterization methods for fish populations and other environmental characteristics.

Minority and Low Income Populations

The NRC performs environmental justice analyses utilizing a 50-mile radius around the plant as the environmental "impact site" and the four states (New York, New Jersey, Pennsylvania & Connecticut) individually when all or part of a block group is in those states as the "geographic area" for comparative analysis. The NRC Procedural Guidance for Performing Environmental Assessments and Considering Environmental Issues indicates that a minority population is considered to be present if either of the two following conditions exists: (1) The minority population in the census block group exceeds 50 percent. (2) The minority population is more than 20 percentage points greater in the census block group than it is in the minority percentage of the geographic area chosen for the comparative analysis. The NRC defines "minority" population as American Indian or Alaskan Native, Asian, Native Hawaiian or Pacific Islander, Black, other, multi-racial, the aggregate of all minority races, or Hispanic ethnicity. The ER includes significant demographic information related to minority and low-income populations.

Indian Point is, and has been, a positive environmental structure for minority and low-income people. This positive influence should be allowed to continue.

Taxes, Local Land Use and Housing

The ER contains an exhaustive description of benefits it provides to local entities in terms of income. All of the counties around the facility are growing rapidly and will be challenged to meet electrical capacity needs and the aforementioned atmospheric regulations. Indian Point is a positive factor for growth in the region.

AAEA Statement on Indian Point LRA

History

The description of the history of the Indian Point site is illuminating. The construction and operation of the facility has added to the fine history of this site. The NRC should provide the license renewal requested so that the excellent emission free electricity can continue to flow throughout the region.

Radioactive Waste Treatment Processes

We are satisfied that Entergy is taking the appropriate steps to manage its waste products. They are following the procedures for managing and storing liquid, gaseous and solid radioactive wastes. Entergy also initiated site preparation work in 2006 for dry caste storage. This Independent Spent Fuel Storage Installation (ISFSI) Facility will provide acceptable temporary storage until Yucca Mountain is ready to accept spent fuel. According to the ER, the ISFSI Facility will contain a 96' x 208' concrete storage pad, which will provide storage locations for 78 Holtec International HI-STORM 100S(B) Casks. The HI STORM Casks will be arranged in a 6 x 13 array with 75 storage locations allocated for the casks.

IP2 and IP3 Gaseous Effluent Releases

The quantities of gaseous effluents released from the site are controlled by the administrative limits defined in the Offsite Dose Calculation Manual (ODCM). Entergy has operated the plant within ODCM parameters and we are satisfied that releases have never caused environmental harm.

Employment

The work force at Indian Point consists of approximately 1,255 persons. The ER gives a comprehensive description of this workforce: where they live and how many employees live in a particular jurisdiction. AAEA wants these employees and future employees to have the opportunity to work at this electric power facility for an additional 20 years beyond 2013 and 2015. They probably do not consider themselves to be environmental justice activists, but by their functions, they are fighting environmental injustice.

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GEIS Categories For Environmental Issues

The NRC identified and analyzed 92 environmental issues in its Generic Environmental Impact Statement (GEIS) that it considers being associated with nuclear power plant license renewal and has designated the issues as Category 1, Category 2, or NA (not applicable). Entergy lists 43 Category 1 issues that are applicable to the site. The NRC identified 21 issues as Category 2. Entergy lists 11 Category 2 issues that are applicable to the site. Regarding Not Applicable License Renewal Issues, NRC determined that its categorization and impact-finding definitions did not apply to electromagnetic fields (chronic effect) and environmental justice. However, the ER goes on to state that, "for environmental justice, NRC does not require information from applicants, but noted that it would be addressed in individual license renewal reviews (10 CFR Part 51, Appendix B, Table B-1, Footnote 6). Entergy has included environmental justice demographic information in Section 2.6.2.

Impingement and Entrainment

AAEA concurs with Entergy's conclusion on impingement and entrainment that withdrawal of water from the Hudson River for the purposes of once-through cooling at the site does not have any demonstrable negative effect on representative Hudson River fish populations, nor does it warrant further mitigation measures. (Section 4.3.6)

Heat Shock and Thermal Discharge Analysis

The ER states that Indian Point, "is complying with this permit, including limits and conditions established by the NYSDEC for thermal discharges...and the associated agreement to continue implementation of the fourth Consent Decree ensures that thermal impacts will satisfy the requirements of CWA 316(a) and will thus remain SMALL during the license renewal term. Therefore, no further mitigation measures are warranted. ." (Section 4.4.6) AAEA has no information to challenge this conclusion.

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Endangered Species

AAEA concurs with Entergy's conclusion regarding endangered species: "The continued operation of the site will not adversely impact any federally listed species which may exist on or pass through the site."

Groundwater contamination

AAEA believes that any leakage of radiation into the groundwater is unacceptable. The site does not use groundwater in its operations or as a source of drinking water. Groundwater is not the source of drinking water for Peekskill or Buchanan. Current conditions of the radiological contamination appear to be largely limited to the general area beneath the facility. The ER provides extensive coverage of this issue. The information is satisfactory to AAEA and should be comforting to the public. The ER also states, "The investigation of the radionuclide contamination of the groundwater began in 2005, and although the investigation is on-going, Entergy and the NRC have concluded that although there appears to be some level of contaminated groundwater that discharges to the Hudson River, these levels do not exceed the effluent or radiological dose criteria established by the NRC. Entergy plans to continue to investigate groundwater contamination mitigation methods to determine their feasibility, as deemed appropriate by the NRC." (4.23.5) Thus, the current condition of this contamination should not be an impediment to license renewal.

Alternatives Considered

AAEA supports the proposed action, opposes the no-action alternative, and believes that alternative energy technologies are not feasible for replacing the electricity output at the facility. The ER gives thorough coverage to these alternatives.

Closed Cycle Cooling Alternatives

The ER examines four alternative technologies for heat dissipation: 1) evaporative ponds, spray ponds or cooling canals, 2) dry cooling towers, 3) natural draft cooling towers, and 4) mechanical draft wet cooling towers. A closed cycle cooling retrofit has never been performed on a nuclear power plant before and the consequences of trying are wildly unpredictable. The

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consideration of these technologies is comprehensive in the ER. We oppose all of these technologies and fear that if any of them are imposed, it is our belief the company will choose to close.

Natural Gas or Coal Replacement

AAEA believes these fossil fuel plants are not feasible at the Indian Point location. AAEA believes natural gas should be used to produce base-load electricity as little as possible. The site is not large enough to accommodate a coal plant.

Water Permit (Water Quality 401 Certification)

The ER states, "NYSDEC has taken the position that it will require submission of an application for a new state water quality (401) certification in conjunction with the license renewal application, rather than relying on the SPDES permit as evidence of continued certification. To initiate the approval process, Entergy will file the Joint Application for Permit with the NYSDEC for the water quality certification at a date determined by the NYSDEC. The SPDES permit for discharges at the site expired on October 1, 1992. However in accordance with the New York State Administrative Procedures Act, Entergy filed a timely SPDES permit renewal application 180 days prior to the current permit's expiration date on April 3, 1992. Therefore, the SPDES permit has been administratively continued." This summary of the current status of Entergy's Indian Point water permit illustrates that the company is in compliance with the Clean Water Act. AAEA intends to participate in the future adjudication of this issue. There is also the matter of EPA finalizing regulations for determination of best available technologies for power plants.

Recommendation and Conclusion

The license should be renewed. There are not environmental considerations that would merit refusal of the renewal. AAEA supports the License Renewal. The facility is an environmental asset for the local area, the state and the planet. The license renewal would promote environmental justice and mitigate global warming. The license would enhance New York's ability to meet its clean air requirements and global warming agreement.

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OFF EXH.
TD. D/REC'D.

9/19/07

Submitted by Mark Jacobs
46 Highland Dr.
Garrison, NY 10524

[REDACTED] Comments for September 19, 2007 NRC application review

Entergy Nuclear, which has proposed to extend the operating licenses of the Indian Point two reactors for 20 additional years beyond their 2013 and 2015 expiration dates, has not acknowledged any public health risks of license extension.

Continued operation of Indian Point raises the risk of radioactivity exposure in two ways. First, the reactor cores would maintain high levels of radioactivity in the core and add waste to the 1,500 tons already at the site, worsening the consequences of a large-scale release after a mechanical failure or act of sabotage. Many thousands would be stricken with [REDACTED] acute radiation poisoning or cancer.

Second, because reactors routinely release radioactivity, persons living near Indian Point would be exposed to more of these radioactive chemicals. Historically, Indian Point has a checkered record of contaminating the local environment.

- It released the 5th most airborne radioactivity of 72 U.S. nuclear plants.
- Radioactivity levels in the Hudson River are over 10 times greater than in Albany.
- Levels of Strontium-90 in local baby teeth are the highest of any area near seven U.S. nuclear plants, and rose 38% since the late 1980s.

This record of contamination raises health concerns, which are heightened when considering that since 2000, in the four counties closest to Indian Point,

- Childhood cancer incidence is 22% above the U.S. rate
- Thyroid cancer incidence is 70% above the U.S. rate
- Cancer incidence in the six towns within five miles of Indian Point is 20% greater than the rest of Rockland and Westchester Counties.

If closing Indian Point results in decreases in cancer mortality as it did near the closed Rancho Seco plant in California, 5000 fewer cancer deaths would occur in the next 20 years in Westchester, Rockland, Orange, and Putnam Counties. While many factors contribute to cancer risk, evidence suggests that more detailed study on Indian Point is warranted, and that the public be informed of any health risks. The prudent policy would be to not grant license extension until the public better understands the extent of the threat that Indian Point presents to local public health.

Estimated Deaths/Cases of Acute Radiation Poisoning and Cancer Deaths
Near Indian Point, Following a Core Meltdown

<u>Type of Effect</u>	<u>Indian Point 2</u>	<u>Indian Point 3</u>
Deaths, Acute Radiation Poisoning	46,000	50,000
Cases, Acute Radiation Poisoning	141,000	167,000
Cancer Deaths	13,000	14,000

Note: Acute radiation poisoning cases and deaths calculated for a radius of 17.5 miles from the plant, cancer deaths calculated for radius 50 miles from the plant.

Source: Sandia National Laboratories, Calculation of Reactor Accident Consequences (CRAC-2) for U.S. Nuclear Power Plants. Prepared for U.S. Congress, Subcommittee on Oversight and Investigations, Committee on Interior and Insular Affairs. November 1, 1982. Published in New York Times and Washington Post the following day.

As many as 44,000 near term deaths from acute radiation syndrome within 50 miles and 518,000 long term deaths from cancer within 60 miles could occur, depending on weather conditions. (Source: Lyman ES, Chernobyl on the Hudson?: The Health and Economic Impacts of a Terrorist Attack on the Indian Point Nuclear Plant." Washington DC: Union of Concerned Scientists, 2004. www.ucsusa.org).

U.S. Nuclear Plants with Highest Emissions
Of Airborne Radioactivity, 1970-1993

<u>Plant</u>	<u>Location</u>	<u>Reactors</u>	<u>Emissions*</u>
1. Dresden	Morris IL	3	97.22
2. Oyster Creek	Forked River NJ	1	77.05
3. Millstone	Waterford CT	2	32.80
4. Quad Cities	Cordova IL	2	26.95
5. Indian Point	Buchanan NY	3	17.50
6. Nine Mile Point	Scriba NY	2	14.67
7. Brunswick	Southport NC	2	14.50
8. Three Mile Island	Londonderry PA	2	14.43
9. Monticello	Monticello MN	1	12.48
10. Pilgrim	Plymouth MA	1	6.71

* Emissions expressed as curies of Iodine-131 and effluents

Source: Tichler J et al. Radioactive Materials Released from Nuclear Power Plants, annual reports. Upton NY: Brookhaven National Laboratory, NUREG/CR-2907.

Average Gross Alpha and Gross Beta Levels in Water
 From Weekly Measurements, 1982-2003
 Hudson River (Verplanck) vs. Albany (Health Department)

<u>Area</u>	<u>Period</u>	<u>Annual Avg. (measurements)</u>	
		<u>Gross Alpha</u>	<u>Gross Beta</u>
Verplanck	1982-1994	21.74 (573)	24.41 (574)
Albany	1982-1994	1.85 (706)	1.99 (706)
Times Verplanck is above Albany		11.8	10.9
Verplanck	1995-2003	23.41 (416)	25.36 (416)
Albany	1995-2003	2.20 (228)	2.39 (228)
Times Verplanck is above Albany		10.6	10.6

All measurements are in picocuries of gross alpha/gross beta per liter of water.

Source: New York State Department of Health, Bureau of Radiation Protection. Environmental Radiation in New York State, annual volumes.

Average Concentration of Strontium-90 in Baby Teeth, At Birth
 New York City Metropolitan Area

<u>Region</u>	<u>Teeth</u>	<u>Average Sr-90</u>
4 Cos. Near Indian Point	279	3.78
New York City	161	3.10
Long Island	94	2.75

Average = picocuries of Sr-90 per gram of calcium at birth. Only births after 1979 included.
 Source: Radiation and Public Health Project

Change in Average Concentration of Strontium-90 in Baby Teeth, At Birth
 New York City Metropolitan Area, 1986-89 to 1994-97

<u>Area</u>	<u>Average Sr-90 (no. teeth)</u>		
	<u>b. 1986-89</u>	<u>b. 1994-97</u>	<u>% Change</u>
4 Cos. Near Indian Point	3.31 (55)	4.55 (77)	+38%
New York City	2.67 (51)	3.62 (32)	+36%
Long Island	3.33 (20)	2.98 (20)	- 11%

Average = picocuries of Sr-90 per gram of calcium at birth.
 Source: Radiation and Public Health Project

Cancer Incidence, Children Age 0-19
 Largest Counties in New York State, 2000-2004

<u>County</u>	<u>Rate/100,000 Pop (No. cases)</u>
1. Rockland	21.6 (94)
2. Niagara	21.1 (60)
3. Westchester	20.3 (254)
3. Nassau	20.3 (357)
5. Suffolk	20.0 (401)
6. Manhattan	19.8 (300)
7. Schenectady	18.5 (36) Putnam 19.4 (25)
8. Orange	18.0 (98)
4 counties 20.0 (471)	NY State 17.8 U.S. 16.4

(Each of the 22 counties has over 140,000 residents = 86% of 2000 NY State population)
 Source: NY State Department of Health, www.nyhealth.gov/statistics/cancer/registry

Thyroid Cancer Incidence, Males, All Ages
 Largest Counties in New York State, 2000-2004

<u>County</u>	<u>Rate/100,000 Pop (no. cases)</u>
1. Rockland	10.0 (70)
2. Suffolk	7.1 (254) Putnam 8.6 (20)
3. Orange	6.7 (56)
4. Staten Island	6.4 (71)
5. Westchester	6.1 (141)
4 counties 7.4 (287)	NYS 5.0 U.S. 4.3

(Each of 22 counties has over 140,000 residents = 86% of 2000 NY State population)
 Rates adjusted to 2000 U.S. standard population
 Source: NY State Department of Health, www.nyhealth.gov/statistics/cancer/registry

Thyroid Cancer Incidence, Females, All Ages
 Largest Counties in New York State, 2000-2004

<u>County</u>	<u>Rate/100,000 Pop (No. cases)</u>
1. Orange	25.9 (229)
2. Rockland	25.3 (192)
3. Oneida	19.4 (116) Putnam 20.6 (54)
4. Saratoga	18.4 (102)
5. Westchester	17.2 (440)
4 counties 21.3 (915)	NYS 13.8 U.S. 12.5

(Each of 22 counties has over 140,000 residents = 86% of 2000 NY State population)
 Rates adjusted to 2000 U.S. standard population
 Source: NY State Department of Health, www.nyhealth.gov/statistics/cancer/registry

Cancer Incidence, Breast/Colorectal/Lung/Prostate Cancers
 Six Zip Code Areas Closest to Indian Point vs. Other Westchester/Rockland, 1999-2003

<u>Town/Zip Code</u>	<u>Cancer Cases</u>		<u>% Actual +/-Expected</u>
	<u>Actual</u>	<u>Expected</u>	
Westchester			
Buchanan (10511)	34	31.3	+ 8.6%
Peekskill (10566, 10517)	333	283.5	+17.5%
Montrose (10548,10596)	73	67.4	+ 8.3%
3 Westchester Towns	440	382.2	+15.1% p<.06
Rockland			
Stony Point (10980, 10986)	254	202.8	+25.2%
Haverstraw (10927)	133	112.5	+18.2%
W. Haverstraw (10993)	92	66.1	+39.2%
3 Rockland Towns	479	381.4	+25.6% p<.002
Total 6 Towns	919	763.6	+20.4% p<.0002
Oth Westchester/Rockland	17520	17298.2	+ 1.3%
Colorectal			
Female Breast	199	163.7	+21.6% p<.06
Lung/Bronchus	214	205.0	+ 4.4%
Male Prostate	245	187.4	+30.7% p<.004
	261	207.5	+25.8% p<.01

Source: New York State Department of Health. www.nyhealth.gov/statistics/cancer/registry.

**Reduction in Cancer Deaths, All Ages
Orange, Putnam, Rockland, and Westchester Counties
If Similar Patterns Near Rancho Seco Were Duplicated
Estimate for 20 Year Period 2016-2035**

Assumptions:

1. Change in local and U.S. cancer death rates is -1%/year
2. Change in local population is +1%/year
3. Decline in local rate vs. U.S. is -8.02%, based on
 - Rancho Seco went from an expected +4.60% to an actual -3.86% in 1990-98 (-8.46%)
 - Rancho Seco went from an expected +5.64% to an actual -1.77% in 1999-03 (-7.41%)
 - Weighted average difference in actual vs. expected cancer death rates = 8.02%

Calculations:

Actual cancer deaths in 10 year period 1995-04	32,438
Expected cancer deaths in 20 year period 2016-35 (32,110 x 2)	64,876
Reduction in deaths (expected deaths x reduction (64,220 x .0802))	5,203

Source: U.S. Centers for Disease Control and Prevention, <http://wonder.cdc.gov>, underlying cause of death. Uses ICD-9 cancer codes 140.0-239.9 (1995-1998) and ICD-10 cancer codes C00-D48.9 (1999-2004).

CASE NO.
OFF. EXH. NO.: NRC 17PM 15
ID'D/RECD

9/19/87

Lisa Rainwater, Riverkeeper
Indian Point Environmental Scoping Hearing
September 19, 2007

Indian Point Environmental Scoping Hearing

September 19, 2007

Statement by Lisa Rainwater, Policy Director, Riverkeeper

Thank NRC for granting request for a 60-day extension.

I'm here to address two issues tonight – one that remains of great importance to those living in the shadows of Indian Point – evacuation planning – and the other that goes to the heart of our democratic society – the right to communicate with our government agencies without fear of intimidation and harassment. Neither issue, under current NRC regulations, is taken seriously – but nonetheless I use this opportunity to shine a spotlight on these issues that have been left in the darkened corners of the NRC's regulatory process.

Emergency planning is an issue, unfortunately, that the NRC refuses to address during the relicensing process – despite significant changes in the population, roadways, and infrastructure, since the plant was originally sited in the agricultural landscape of Buchanan, New York nearly half a century ago. ~~The other issue goes to the heart of our democratic~~

A 2003 report conducted by James Lee Witt – FEMA Director under President Clinton and considered the nation's leading emergency planning expert – on Indian Point's emergency evacuation plans concluded that "the current radiological response system and capabilities are not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point, especially if the release is faster or larger than the design basis release." Most country officials, emergency responders, and area residents understand that, given high population density and congested road networks that characterize the New York metropolitan area, Indian Point's emergency plans are patently unworkable and unfixable. In fact,

NRC/7PM/6

three of the four counties, and the NYS Emergency Management Office have refused to submit their Annual Certification Letters for five years running. And yet, the NRC and FEMA continue to rubberstamp a gravely flawed plan.

These are the concerns that I and fellow New Yorkers submitted to NRC Chairman Klein beginning on May 29, 2007 in the form of an electronic action alert issued by Riverkeeper. We further requested that the NRC include emergency planning in its relicensing proceedings for Indian Point.

- **August 7:** J.E. Dyer, Director for the Office of Nuclear Reactor Regulation wrote a response back to me – and hundreds of others — explaining why the NRC will not look at emergency planning -- a topic I will return to shortly.
 - This letter was sent to my home address – and subsequently sent out as a copy to every individual person who participated in the first release of our action alert (approximately 400).
 - It's bad enough that the NRC found it acceptable to send the letter to my Riverkeeper office and to my home address not once but four times – and violated my right to privacy by sharing my home address with hundreds of people.
 - What's worse, however, is that the NRC deemed it appropriate to attach to every response letter a list of names and addresses of all those private citizens who sent in a letter of concern.

The Nuclear Regulatory Commission is a federal agency set up by Congress. Your job is to protect the public. It is not your job to harass and intimidate concerned citizens from providing you with feedback on your regulatory process. We live in a democratic society – we are suppose to have a government that is open, transparent, and concerned about the public good – on a variety of issues – from the food we eat, to the air we breathe, to the medications we take, to the

entertainment we receive on television and the radio. In all my years of actively participating in our democracy – and the hundreds of action alerts I have participated in on a variety of issues – NOT ONCE has a federal or state agency – or a federal or state bureau publicly distributed the names and addresses of those who contacted them out of concern over a particular issue.

There is a term for the actions taken by the NRC under Mr. Dyer's direction:
Citizen Intimidation.

If people stop coming to your meetings; if people stop submitting comments to your federal agency; if people stop raising concerns about Indian Point -- the only nuclear power plant in the country to be leaking strontium-90 into public waterways; a plant that has 5-6 times more emergency shutdowns than the national average; a plant that continues to have incredulous accidents, mishaps, and breakdowns – it's not because they're not afraid of Indian Point. It's because they're afraid of you.

But it seems that the NRC also has fears – fears that if emergency planning were to be included in the relicensing process for Indian Point, the plant may fail the test and need to cease operation at the end of its current license.

In his letter to me and hundreds of others, Mr. Dyer noted:

"In adopting its regulations for license renewal, the Commission determined that the existing regulatory framework for emergency preparedness at operating reactors is sufficient and that the staff need not review emergency preparedness again as part of the license renewal process ... **The NRC generally relies on FEMA's review of emergency plans and preparedness for areas surrounding nuclear power plants.**"

In other words, the NRC refused our request. But then again, the NRC has refused the County of Westchester's formal petition requesting that emergency planning be included. The NRC has refused the New York State Attorney General's request that emergency planning be included. And the NRC has refused the New York – Hudson Valley Congressional delegation's request that emergency planning be included.

But if, in fact, the NRC relies on FEMA's review of emergency plans for regions around the plant, then surely the latest news to come from FEMA is all the NRC needs to shut down Indian Point until an adequate emergency siren system is working.

- **September 12:** FEMA sent a letter to New York State's Emergency Management Office, in which the current emergency sirens at Indian Point are deemed unworkable:

"The placement of the new sirens decreases the audibility of the existing system ... therefore, the new electronic sirens that were installed and tested by Entergy must be removed from interfering with the sound path of any existing co-located rotating siren in order to restore the existing system to its full functionality."

For over two years, the public has waited for a reliable emergency notification system at Indian Point. And if one is to read accurately FEMA's assessment of Entergy's installation proceedings – we've been waiting, while the company has been dilly-dallying. And what penalties has Entergy faced for missing not one but three deadlines: a paltry \$130,000.

Perhaps the NRC should begin developing fear in the entity it's mandated to regulate and stop intimidating citizens.

Thank you.

CASE NO.
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NRC/17PM/6 (4pp.)

9/19/07

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-KYO WASHI ETC. INC. 201 EAST 42ND STREET, NEW YORK CITY, NY 10017
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-KYO WASHI ETC. INC. 201 EAST 42ND STREET, NEW YORK CITY, NY 10017
20 BROADWAY, NEW YORK, NY 10013. FAX: 212-557-1000. TELEGRAMS: 212-557-1000. FAX: 212-557-1000.

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RECORDED ON 9/19/07 AT 10:00 AM. RECORDER NUMBER 38496, above table A.
TRANSMITTER NUMBER A-162344-A was not inserted. RECORDER NUMBER 38496, above table A.

RECORDED

Mark Coopenman
8 Perry Street
CORTLANDT MATHER N.Y. 10567
~~ADDED TO OVAL STATEMENT~~

INDIAN POINT SIRENS DO WORK

AND WERE QUITE AUDIBLE AT MY
HOME HENS IN THE NORTHERN PART
OF WESTCHESTER

NPC/7PM/7

CASE NO.
OFF. EXH. NO.:
ID'D/RECD

NRC17PM/7

9/19/07



September 18, 2007

Senior Project Manager Bo Pham
Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852

Dear Mr. Pham:

The Rockland Business Association (RBA) is the county's largest business organization, representing 991 corporate, mid-size and small businesses. We are the advocates for Rockland's business community at the local, state and federal levels and work to enhance economic opportunities in Rockland by addressing a broad range of public affairs and area development, economic and business development issues that affect the growth of business in the county.

Recently, the Business Council of New York State, of which the RBA is a member, surveyed almost 1,100 Council members to identify top priorities for action in 2007. These members ranked "**the cost of doing business**" as their greatest concern in New York – with a special focus on energy costs. Electric rates in New York run 70 percent above the national average, and there is a clear need for more generating capacity to keep costs down, as well as a great demand to direct low-cost power to employers and growth industries throughout the State.

Given this business climate of an ever-increasing demand for affordable, reliable and environmentally sound power generation, the RBA believes the closure of the Indian Point Energy Center would create a dramatically adverse effect on New York State's energy grid and impose undue hardship upon thousands of businesses and millions of residents throughout the State.

Indian Point generates 2,000 megawatts of critical electricity, over \$356 million in payroll and local purchases – in addition to the over \$50 million paid in local taxes. Overall, Indian Point produces over \$700 million in economic activity throughout the five counties surrounding the site, as well as over a \$1 billion in economic activity to New York State.

One Blue Hill Plaza / P.O. Box 1567
Pearl River, NY 10965
tel: 845.735.2100 / fax: 845.735.2482
www.rocklandbusiness.org

ROCKLAND / BUSINESS / ASSOCIATION / INC

NRC/7PM/8

As owner and operator of Indian Point, the Entergy Corporation remains a critical, major employer and corporate philanthropist – donating millions of dollars to a myriad of worthy causes, hospitals, educational institutions, regional associations and municipalities

For these reasons, we believe the facility should be re-licensed.

Having stated the above, we feel we would be remiss to not acknowledge there are those in our community who oppose this action. While we sympathize with their concerns, we note that Entergy has an on-going program to address issues of safety and potential terrorist threat. We encourage the company to maintain those efforts in the most aggressive manner.

Sincerely,



Allan A. Samuels
President/CEO

CASE NO.
OFF. EXH. NO.: NRC/7PM/8
ID/D/RECD

9/19/07

September 14, 2007

Senior Project Manager Bo Pham
Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852

Dear Mr. Pham:

The Business Council of Westchester is the county's largest business organization, representing nearly 1,400 members, ranging in size from multi-national corporations and mid-size businesses to professional firms, not-for-profit organizations and small business owners in every sector of the county's diverse economy. The Business Council advocates for Westchester's business community at the local, state and federal levels and works to enhance economic opportunity in Westchester by addressing a broad range of public affairs and area development, economic and business development issues that effect the growth of business in the county.

With 34,000 businesses in Westchester County – employing over 408,700 workers with a total annual payroll of more than \$19 billion – we feel the premature closure of the Indian Point Energy Center will cause irreparable damage to the regional economy due to the large amount of electricity, jobs and taxes the site provides.

From Indian Point's generation of 2,000 megawatts of much-needed electricity to its distribution of \$356 million in payroll and local purchases to the over \$50 million paid in local taxes (including sales tax, payroll taxes, property taxes and state/local income taxes), the site is a major economic engine that drives business to Westchester County and keeps businesses from running to other counties across the country.

We have seen the economic devastation caused by the dramatic disruption of electricity supply both in recent memory (Blackout of 2003), as well as the continuing hardship faced by thousands of Long Island residents who pay some of the highest utility bills in the United States because of the infamous Shoreham nuclear plant debacle. Shoreham was a clear example of the needs of the few outweighing the on-going needs of the many and the Council does not wish to see Indian Point (or the residents surrounding the facility) suffer the same fate.

NRC/7PM/9

In addition, as owner and operator of Indian Point, the Entergy Corporation remains a critical, major employer and corporate philanthropist – donating millions of dollars to a myriad of worthy causes, hospitals, educational institutions, regional associations and municipalities. Without their continuing service to the community and vital investments in non-profit programs and projects, we will see a dramatic decrease in the number of non-government groups and associations serving a wide variety of constituencies – hungry, homeless, elderly, children in need, sick, infirmed, etc.

For the aforementioned reasons, The Business Council of Westchester hereby supports and petitions for the re-licensing of the Indian Point Energy Center. We look forward to hearing from you regarding this matter.

Sincerely,

Paul J. Vitale
Vice President, Government & Community Relations

CASE NO.
OFF. EXH. NO.
ID'D/RECD
D--

NRC/7PM/9

9/19/07

September 17, 2007

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mailstop T-6D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Partnership for New York City

To Whom it May Concern:

The Partnership for New York City represents the city's business leadership and its largest private sector employers. It is committed to working in partnership with government, labor and the non-profit sector to enhance the economy and create jobs.

I am writing in support of Entergy Corporation's application for relicensing of the Indian Point Energy Center. Indian Point generates 2,000 megawatts of electricity that powers New York City's most essential resources such as homes, businesses, subways, hospitals and public schools. According to recent studies, replacing Indian Point's 2,000 megawatts of electricity would cost over \$1 billion a year in electricity costs and could lead to electricity shortages, rolling blackouts and price increases.

The 21st Century businesses that New York City must retain and attract require a resilient, reliable and redundant source of power. The closure of Indian Point would reduce the amount of power for New York State's electrical grid by 11 percent, jeopardizing economic growth and limiting our competitiveness. New York cannot afford to lose any existing generating capacity serving the downstate area.

Indian Point Energy Center provides safe, clean, reliable and cost-effective energy to the downstate region, and we strongly believe that reducing the area's energy supply by closing Indian Point would have a destructive impact on the region's economy.

Therefore, the Partnership of New York City hereby supports and petitions the Nuclear Regulatory Commission for the relicensing of the Indian Point Energy Center.

Sincerely,

Kathryn Wylde
President and CEO

Co-Chairs
John C. DePetro
President, UBS

Vice Chairs
Gerald R. Bernstein,
Kathleen J. Chenuit
Barry A. Freedman

President and CEO
Kathryn Wylde

Directors

Herbert M. Allison, Jr.
Alvin J. P. Della
Stephen Berger
Howard C. Blankstein
Klein Buhrs
Hussein L. Canton
Robert D. Calfee
Michael G. Cherkasky
Jill M. Condon
Lorraine Dugan
Peter L. Fabrik
Alan H. Fishman

Timothy P. Flynn

Richard S. Fuld, Jr.
Bony M. Green
Johathan N. Grayson
Robert Omrad
Jill Kaplan
Jeffrey R. Kinsler
Henry R. Kravis
William P. Lauder
Donald R. Lautenslager
Rochelle B. Lazarus
Edward J. Levine
Martin Lipton

John J. Mack

Donald B. Marron
William L. McCann
Harold McGraw, III
Bruce E. Mosler
K. Robert Mundschau
Dennis M. Nally
David Neumann
E. Stanley O'Neal
Howard D. Parsons
Milt and Pamela Fox
Jeffrey M. Preik
Joseph J. Plumeri

Peter J. Powers

Vikki L. Price
James H. Drury
Bradford J. Heis, Jr.
Ann Ruppert
Steven Rothman
James O. Robinson, III
Wilbur L. Ross, Jr.
Michael I. Roth
Steven Roth
Howard L. Rubenstein
William C. Rudin
Link S. Sanford

Alan D. Schwartz

Stephen A. Schwarzman
Jerry L. Spiegel
Siy Stoudts
Martin J. Sullivan
John A. Train
Mary Ann Tingle
James S. Tisch
Mark L. Weingar
Anthony Wilkinson
Goth Wright
Christopher J. Williams
Fred Wilson

Robert Wull

Deborah C. Wright
Tim Ziqua

Founding Chairman
David Rockefeller

Ex-Officio Members
Timothy F. Gohmert
David W. Fleischer

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CASE NO.
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DATE

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9/19/07

the energy association of n.y.state



SUITE 601, 111 WASHINGTON AVE., ALBANY, NY 12210
TEL: 518-449-3440 FAX: 518-449-3446

Patrick J. Curran
Executive Director

September 18, 2007

Senior Project Manager Bo Pham
Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852

Dear Mr. Pham:

The member companies of the Energy Association of New York State (EA) are the owners and operators of much of the state's electric and natural gas infrastructure, comprised of many hundreds of thousands of individual shareholders including a great many New Yorkers and retirees, employing over 28,000 New Yorkers, serving over 7 million New York customers and their families and businesses, annually paying over \$2.5 billion in state and local taxes and contributing tens of millions of dollars annually to community and charitable purposes.

The Energy Association firmly believes that the Indian Point nuclear facility is an essential asset to the State of New York and its millions of residents.

The New York Independent System Operator (NYISO), whose mission is to operate the state's electricity grid and wholesale electric markets, projects that, even assuming the continued operation of the Indian Point facility, the City of New York and the lower Hudson Valley (which encompass the 4 counties of Westchester, Rockland, Orange and Putnam that surround Indian Point) will need 1,250MW to 2,250MW of additional capacity between 2010 and 2015. How that additional capacity will be obtained is an issue currently presenting enormous challenges to the state of New York. It is daunting to contemplate how insurmountable those challenges would become without the continuing presence of the Indian Point facility.

First, Indian Point is a "base-load" power plant capable of providing 2000MW of electricity 24 hours a day, seven days a week, 365 days a year. Because it provides necessary voltage support at a critical juncture in the state's transmission system, it is favorably located to serve the vital down-state "load-pocket" and because the power it produces is relatively low cost, it is generally relied upon proportionally more than even other base-load facilities.

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Any suggestion that such an enormous and vital component of the state's energy infrastructure (Indian Point supplies 20-40% of the electricity to the New York City metropolitan area, depending on the time of year and other factors) could be replaced with, for example, renewable options such as wind, hydropower and solar, fails to account for the comparatively low capacity factors, high costs, intermittent nature, and distinct environmental impacts of those other options. Even if they could be sized, sited and built to generate 2000MW (in real terms, an extremely unlikely prospect), such alternatives could not provide the overall system capacity and reliability now provided by Indian Point. Replacing Indian Point with non-baseload renewable facilities is simply not a realistic or viable option. Even new fossil-fueled baseload facilities would take years to site and build in the region (if indeed that is feasible at all) and would inevitably have a "carbon footprint" that doesn't now exist at Indian Point. It is critically important to recognize that Indian Point supplies its 2000 megawatts electricity without producing the air emissions inherent to varying degrees in fossil fuel burning generating facilities. This air quality benefit cannot be overlooked in any discourse surrounding the future of the facility.

Another critical benefit of the facility is that it helps provide the state and region with a healthy, diversified fuel mix in the generation of electricity. Because a diverse portfolio of fuel alternatives avoids undue risk in the marketplace and to state and national security, a premium should be placed on a diversified energy mix to fuel our electric generation facilities. This is particularly true today where we are experiencing price volatility and significant increases in the fossil fuel marketplace.

Moreover, as owner and operator of Indian Point, the Entergy Corporation has been exemplary – winning numerous awards for its performance as a nuclear operator and community partner. Indian Point has seen significant improvement under Entergy's ownership and we look forward to seeing them at the helm for many years to come.

In conclusion, the Energy Association of New York State wholeheartedly supports and petitions for the relicensing of the Indian Point facility.

Respectfully Submitted,

PJC / s
Patrick J. Curran
Executive Director

CASE NO.
OFF. EXH. NO.: MRC/7PM/11
ID: D/RECD

9/19/07

100 Black Men of New York Statement of Support for ENTERGY NUCLEAR NORTHEAST

I am Phil Banks, President of One Hundred Black Men, Inc. (OHBM). OHBM is an international organization founded in New York when a group of concerned African American men began to meet to explore ways of improving conditions in their community. The group eventually adopted the name, "One Hundred Black Men, Inc." as a sign of solidarity. These men envisioned an organization that would implement programs designed to improve the quality of life for African Americans and other minorities. Our founders were successful black men from various walks of life

In 1963, the first meeting of the One Hundred Black Men, Inc. was held in New York City. A group of successful businessmen from a variety of social, educational and economic sectors came together for the common purpose of making a difference in African American communities - by making a difference in the lives of African American youth. The idea quickly caught on and soon independent chapters began forming across the nation until 1986 when nine individual chapters joined together to create the alliance known today as the "100 Black Men of America, Inc."

Now some 73 chapters and 10,000 members strong and still growing, OHBM remains committed to its founding mission: To improve the quality of life in African American communities by improving the educational, economic and social status of African Americans across the entire nation.

The One Hundred Black Men of New York's commitment to improving the lives of African Americans has been demonstrated with the creation of Eagle Academy for Young Men. This school is based upon a strong academic foundation with a focus on the pillars of character that we believe will provide the backdrop for the success of these young men. Each of the students at The Eagle Academy is provided with an adult male mentor for their four-year stint in high school. Founded in 2004, the school consistently demonstrates a level of achievement that is a reflection of the high educational standards encouraged by 100 Black Men of America. Beginning in the fall of 2007, the Eagle Academy will permanently expand its scope to operate as a full 4-year public high school, graduating its first class in the spring of 2008. As we move forward, we are expanding this model with plans to replicate the school throughout New York City.

In-keeping with our mission of improving the quality of life for African Americans we often partner with corporate entities that are supportive of our goals. Entergy Nuclear Northeast has been an ardent supporter of our initiatives. Entergy has

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provided us with support that will enable us to provide opportunities for education, mentoring and small business expansion and development throughout the New York metropolitan area.

We understand that Entergy is committed to improving the health, social and economic conditions of communities of color by providing safe, affordable reliable and clean energy. Rising energy cost affects all communities across the US and especially New York, which has some of nation's highest energy bills. The costs of residential and transportation energy represent even larger shares of household expenditures for minority citizens.

The poorest and most vulnerable families, are being hit the hardest by energy cost increases. The high energy costs also impact small and minority businesses and provide barriers for those who want to go into business. A recent August 12th New York Times article highlight a recent Census report indicates a disturbing trend of African Americans moving out of the New York. This great exodus of working and middle class African Americans is due in part to the growing housing cost coupled with increased energy cost making home ownership unobtainable. These factors negatively contribute to the quality of life for many African Americans in the New York.

The One Hundred supports the creation and distribution of safe, affordable, reliable and clean energy for not only our communities, but the greater community that is New York. We believe that Entergy is a good corporate citizen, and we support any efforts to balance the delivery of safe energy with initiatives that will soften the burden of these costs on our communities and the environment.

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OFF. EXH. NO.:
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DATE

DRC/7PM/11 (2pp.)

9/19/07

9/19/07

To All Concerned Residents Regarding Indian point Re-licensing:

Just want to share with you
an analogy.

There are many concerned residents
who feel they definitely want Indian pt
to be closed, but feel they can't possibly
win - against such a huge organization -
YEARS AGO There was a powerful
Successful Project Builder MR. Robert Moses -
He was strong, wealthy, powerful and was
always used to getting his way with every
Project he announced. Well, ONE DAY He
decided to create a project in Central Park -
Well - there were a group of young mothers -
who took their baby carriages to this spot
and spent endless enjoyable time there.

These little group of young mothers protested
so much that they, as small as
their group was - was able to win

against the big magnet Mr. Robert Moses
and the protest was ~~sabotaged~~ disregarded.

Please let's close this plant so our
children & grand children can live out their
lives to the fullest and be safe.

Thank you for listening -

56 yr. Resident
of Peckville
Cottage
Manor
Written by [REDACTED]
Very Wise and reliable source.

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NRC 17PM 113

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9/19/07

NYPIRG The New York Public Interest Research Group is calling for an extension of the public comment period by at least 60 days.

Due to the consistent safety problems including unplanned shutdowns, due to emergencies, spent-fuel pad storage pool leaks, siren system failures, and complete lack of a functional evacuation plan, the public must have more time to submit meaningful comments to express their concerns.

The NRC should expand its scope of review beyond non-moving parts - the review should reflect what is happening and may continue to happen should the plant be relicensed.

The NRC's review must include the safety and security issues facing us today using 2007 data.

The analysis from 30 years ago, addressing the realities from 30 years ago is insufficient for a complete and accurate review of the Indian Point facility.

-Amanda Eisenstein
NYPIRG Project Coordinator
New York Public Interest Research Group