

31

8/10/07  
72 FR 45075

RECEIVED

2007 OCT 23 PM 4:04

RULES AND DIRECTIVES  
BRANCH  
USNRC

October 12, 2007

**Via E-mail and First Class Mail**

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

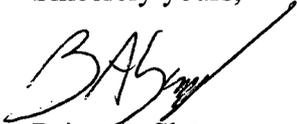
**Re: Comments on Environmental Scoping Process for Indian Point Nuclear Generating Unit Nos. 2 and 3, as permitted by Federal Register, Volume 72, Number 154, Pages 45075-45076, dated August 10, 2007**

Dear Chief Lesar:

Enclosed please find joint-comments from U.S. Congressional Representatives Eliot L. Engel, John J. Hall, Maurice D. Hinchey, and Nita M. Lowey, on the environmental scoping process for Indian Point Nuclear Generating Unit Nos. 2 and 3, submitted in accord with Federal Register, Volume 72, Number 154, Pages 45075-45076, dated August 10, 2007. An electronic copy was also submitted via separate transmission.

If you have any questions, please contact me at [brian.skretny@mail.house.gov](mailto:brian.skretny@mail.house.gov) or at 202-225-2464.

Sincerely yours,

  
Brian A. Skretny

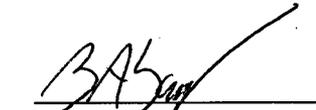
Encl.

*SONSI Review Complete*  
*Template = ADM-013*

*E-RIDS = ADM-03*  
*Call = J. Caverly (JSC1)*  
*Bo Plume (bnp)*

Certificate of Service

I hereby certify that I caused to be filed via First Class Mail on this day, October 12, 2007, a true and correct copy of Comments on Environmental Scoping Process for Indian Point Nuclear Generating Unit Nos. 2 and 3, as permitted by Federal Register, Volume 72, Number 154, Pages 45075-45076, dated August 10, 2007.

  
\_\_\_\_\_  
Brian A. Skretny

# Congress of the United States

Washington, DC 20515

October 12, 2007

**Via E-mail and First Class Mail**

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

**Re: Comments on Environmental Scoping Process for Indian Point Nuclear Generating Unit Nos. 2 and 3, as permitted by Federal Register, Volume 72, Number 154, Pages 45075-45076, dated August 10, 2007**

Dear Chief Lesar:

We submit these comments on environmental scoping for Entergy Nuclear Operations, Inc.'s application for renewal of operating licenses at Indian Point Nuclear Generating Unit Nos. 2 and 3. As you know, we continue to have serious concerns regarding Entergy's application for license renewal and the ability of Indian Point to operate safely based upon the facility's poor performance record in recent years, and the increasing likelihood of additional problems due to aging infrastructure at the facility.

The environmental impacts of Indian Point on public health, local environmental resources, and water quality are very serious concerns that must be fully scrutinized during the license reapplication process. Additionally, the facility's impact on the safety and security of its host communities must be addressed. We urge you to consider the following issues and require their inclusion in scoping for the Draft Environmental Impact Statement (DEIS).

### LEAKAGE

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 nearly two years, Indian Point has been leaking tritium and the cancer-causing strontium-90 into the soil and water surrounding the plant. Alarming, some of this material might be migrating into the Hudson River. Just last month, another pin-hole sized leak was discovered in the fuel transfer canal. These leaks have dispersed radioactive materials for several years, and Entergy has been unable to specifically identify the source of these leaks or offer a concrete plan to stop or prevent them.

This ongoing situation constitutes an environmental and public health threat that must be addressed in this relicensing process. Specifically, we believe that the spent fuel pools should be considered within the scope of the Aging Management Review. Further, radiological monitoring in the Hudson River should be expanded to additional forms of aquatic life, and Entergy should be required to identify and stop or prevent these leaks.

### THERMAL POLLUTION

Indian Point's use of a "once-through" cooling system continues to place a tremendous strain on the Hudson River ecosystem, and is inconsistent with provisions of the Federal Water Pollution Control Act (Clean Water Act) that require the "location, design, construction and capacity of cooling water intake structures reflect the best technology available to minimize adverse environmental impact." Indian Point's average daily water withdrawals exceed two billion gallons. These significant water withdrawals and the returning of "superheated" water to the Hudson River undeniably impact fish populations, killing a very large number of fish eggs, larvae, and adult fish.

Designated as an estuary of national significance, the Hudson River is a critical habitat for many of the east coast's migratory fish species and deserves the protections afforded by the use of modern and efficient power plant cooling technology. The issue of the facility's cooling technology should be fully considered in the DEIS, and Entergy should be required to consider the implementation of a closed cycle cooling system, which would dramatically reduce the entrainment and impingement impacts to fish and other aquatic organisms, and significantly lessen negative impacts upon the River's biota from thermal pollution.

### SAFETY AND SECURITY

Indian Point's proximity to the New York City Metropolitan Area, and location in the heart of the City's watershed that serves nearly nine million people, demands that safety and security concerns be considered as part of the environmental review process. Any serious incident at the plant could have catastrophic impacts on the local environment and human health.

According to former FEMA director James Lee Witt, the current radiological response plans are not adequate to protect the public. *See Review of Emergency Preparedness of Areas Adjacent to Indian Point and Millstone*, p. viii, James Lee Witt Associates, 2003. Given the very high stakes, it is vital that the NRC consider the effectiveness of the evacuation plans for Indian Point in the context of environmental impacts and human health. Such evaluations have precedent in the review procedures established for critical energy infrastructure by the Federal Energy Regulatory Commission and the Department of Energy. This assessment should take into account changes in population density and traffic patterns that have occurred in the 10-mile emergency planning zone since Indian Point's initial licensing.

Moreover, nuclear power plants remain potential terrorist targets. The possible environmental impacts of a terrorist attack must be assessed in the DEIS. The 9/11 Commission Report indicated that Al Qaeda considered targeting nuclear power plants in their attack, but wrongly believed the plants were heavily defended. The Report also made clear that on 9/11, American Airlines Flight 11 flew down the Hudson River over the Indian Point power plant en route to the World Trade Center. Despite this "new and significant" information, the NRC has consistently refused to revise its security requirements to include measures to defend against an aerial attack. The NRC must address the potential effects of a terrorist attack and consider the effects of jet fuel fires on vital areas of the plant, including the containment dome, the spent fuel pool building, and the control room building.

#### WASTE STORAGE

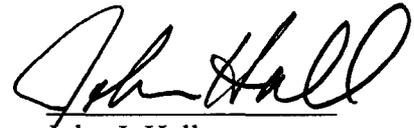
Since relicensing is a process with long term repercussions, the DEIS must consider and prepare for the future. Indian Point's spent fuel pools are rapidly reaching their maximum capacity. If the plant is allowed to continue operating into the coming decades, the impacts of continued waste storage, including 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. Specifically, the DEIS should consider the sufficiency of onsite space to store all future waste, and the length of time future waste is expected to be stored on-site. Both of these issues should also be considered under a scenario in which the central depository at Yucca Mountain is not available, or is incapable of accepting additional waste.

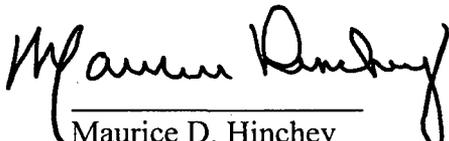
CONCLUSION

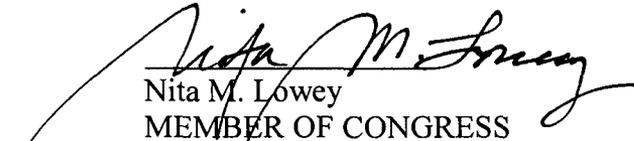
We thank you for the opportunity to comment on the environmental scoping process at Indian Point. As you can see, the environmental impacts of Indian Point on the surrounding areas are significant and substantial. It is our continued hope that the NRC will fully consider the serious concerns that we and others have raised regarding the environmental impacts of Entergy's application for renewal of operating licenses at Indian Point Nuclear Generating Unit Nos. 2 and 3.

Sincerely,

  
Eliot L. Engel  
MEMBER OF CONGRESS

  
John J. Hall  
MEMBER OF CONGRESS

  
Maurice D. Hinchey  
MEMBER OF CONGRESS

  
Nita M. Lowey  
MEMBER OF CONGRESS