



SECRETARY

Mr. Peter D. Wolf
25 Main Street – Suite B
Hastings-on-Hudson, NY 10706

Dear Mr. Wolf:

I am responding to your letter of March 17, 2009, sent to the Commission. Additionally, by e-mail dated March 27, 2009, you sent to the Commission a copy of an e-mail to President Obama and attached a copy of your March 17, 2009 letter. Your correspondence expressed concerns about factors that you recommended for consideration during review of the license renewal application for Indian Point Nuclear Generating Units 2 and 3.

Under Nuclear Regulatory Commission procedural rules for adjudications, the Commission has an appellate role in proceedings commenced before its Atomic Safety and Licensing Boards, such as the Indian Point license renewal proceeding. Because of that role, I trust that you will understand that the Commissioners must remain impartial while this case is pending. At this time, therefore, the Commission cannot discuss or comment on issues involved in the licensing renewal proceeding. However, I am referring your correspondence to the Office of Nuclear Reactor Regulation, which is responsible for reviewing the Indian Point license renewal application.

Copies of your correspondence and this response will be served on the participants in the Indian Point proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Indian Point Service List

DOCKETED
USNRC

May 21 2009 (10:00am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED May 21, 2009

TEMPLATE = SECY-040

DS 03

25 Main Street – Suite B
Hastings-on-Hudson, NY 10706
March 17, 2009

VIA OVERNIGHT COURIER and E-MAIL

Nuclear Regulatory Commission
11545 Rockville Pike – Room T-6D559
Rockville, MD 20852

Attn: Chairman Dale E. Klein

re: Environmental Impact Statement: License Renewal Application: DPR-26 & DPR-64
Indian Point Nuclear Generating Units 2 and 3 – Buchanan, NY (owned by Entergy)

Dear Mr. Klein:


These comments are in response to the Environmental Impact Statement (EIS) prepared as part of the re-licensing process regarding the application by Entergy for a 20 year extension to continue operating Indian Point Units 2 & 3.

It appears that the full import of some critical environmental factors is not properly considered in the EIS, and should be a vital part of the NRC's review process; the factors of particular concern include, but are not limited to:

- Close proximity to a densely populated area (24 miles north of New York City),
- Location on a fault line, which has shown recent earthquake activity,
- Potentially Attractive Target to Terrorists,
- Manner in which Nuclear Waste is stored above ground,
- Continued Operation continuing to kill aquatic species in the Hudson River,
- History of Leaks & Shutdowns about 5 times higher than the national average,
- Unknown risks attendant with additional 20 years operation for this Facility,
- No credible study of the effects of different types of 'accidents' at Indian Point on surrounding areas, especially considering the history of other nuclear accidents

If the NRC ignores does not properly consider the above environmental factors, then it would seem that it cannot fulfill its self-stated vision of "Excellence in regulating the safe and secure management of radioactive materials for the public good."

I strongly urge the NRC fully consider the environmental factors, which were and which should have been discussed in the EIS, in determining whether to re-license the two Indian Point units.

Sincerely Yours,

Peter D. Wolf

Sheila McKelvin

From: Peter D. Wolf [seawolf@cloud9.net]
Sent: Friday, March 27, 2009 12:45 AM
To: NRCExecSec Resource
Subject: e-mail to President Obama
Attachments: pipobamalttOO.doc

Please find attached an e-mail sent to President Obama – please distribute copies of the e-mail to the following persons:

- Chairman Dale E. Klein
- Commissioner Kristine L. Svinicki
- Commissioner Gregory B. Jaczko
- Commissioner Peter B. Lyons
- Branch Chief David J. Wrona
- Env. Proj. Eng. Andrew Stuyvenberg
- Regional Commissioner for New York

Many Thanks,
Peter D. Wolf

Q:WHAT'S WORSE THAN THE CURRENT FINANCIAL MELTDOWN?

A: A NUCLEAR MELTDOWN!

SOLUTION: CHANGE THE LAWS, RULES AND REGULATIONS REGARDING LICENSING, AND ESPECIALLY RELICENSING, OF NUCLEAR POWER PLANTS

re: Application for Re-Licensing Indian Point Nuclear Generating Plant at Buchanan, NY

Just as one could not envision the results of the current financial meltdown, it is almost inconceivable to contemplate the consequences of a serious nuclear incident at Indian Point to the New York metropolitan area, the region, and indeed the country.

Entergy owns the two nuclear generating plants at Indian Point which are nearing the end of their 40 year license, and they have applied to operate these units for another 20 years. There is a long history of leaks and shutdowns at the Indian Point plants; the safety record of these two plants is abysmal. On December 3, 2007, the New York State Attorney General, with the current Governor as well as Senators, and Representatives by his side, publicly stated opposition to the re-licensing of Indian Point (the first time a state opposed re-licensing a nuclear facility), yet the application has not been withdrawn.

I have followed Indian Point since 9/11, as it was deemed to be a prime terrorist target; in the ensuing months after 9/11, 41 governmental bodies expressed serious concern or opposition to the continued operation of Indian Point, mainly because it is in a heavily populated area (24 miles north of NYC), with no viable escape plan for many people.

In addition to reading, I have attended public information sessions hosted by the NRC, as well as a recent symposium on the re-licensing of 40 year old power plants at Pace Law School. I have government experience regarding accidents and readiness response, and industry knowledge concerning hazardous materials. While I am not opposed to nuclear power in principle, I do have grave concerns about Indian Point, and seriously question whether the facility should be permitted to continue to operate. My concerns include:

- Close proximity to a high density population center,
- Location on a fault line which has shown recent earthquake activity,
- Potential Target for Terrorists,
- Manner in which Above-Ground Nuclear Waste is stored,
- Continued operation continuing to kill fish in the Hudson River
- No history of a similar facility to evaluate the prospects of 20 more years of operation on a decaying plant structure.

Earlier this month, in commenting about another leak, the NY Times reported that an Entergy spokesman said: "It's eight feet underground, so there's no way of knowing when you have to replace it" (not exactly a reassuring statement from an applicant requesting a 20 year license extension), while an NRC spokeswoman commented that this leak was not as serious as the one in 2005 which had been "ongoing for a long time".

Just as we learned with dire consequences that outmoded oversight rules and regulations regarding the current financial system could not regulate the industry, I submit that the NRC re-licensing procedure for a 40 year old nuclear generating plant precludes the possibility of arriving at a comprehensive and fair decision. For example, it is my understanding that the NRC is prohibited from analyzing contemporary scientific data concerning a moderate earthquake along the existing fault line where there has been recent activity; the NRC is not permitted to evaluate past incidents at Three Mile Island, Chernobyl, or even the ramifications of the leaks emanating from the nuclear plant in Japan, precipitated by a recent earthquake, and the NRC is not allowed to consider scientific models assessing the probable consequences of an earthquake at Indian Point on the surrounding population of 20,000,000 people.

While you cannot prevent the current financial meltdown from occurring, you can be instrumental in preventing a future nuclear catastrophe. The new Administration has stated repeatedly its commitment to a scientific approach to the problems facing America. One meaningful way to fulfill this commitment would be to spearhead an overhaul of the procedure for licensing nuclear power plants generally, and re-licensing 40 year old nuclear power plants specifically, in order to permit the introduction and consideration of relevant scientific data to the re-licensing process.

Providing safety and security is the most basic of government obligations, and I strongly urge you (and those copied below) to enact and/or amend existing laws, rules, and regulations regarding the operation of nuclear facilities to protect the public.

Thank you in advance for your consideration.

Peter D. Wolf
JD, LLM Environmental Law
LCDR US Coast Guard Reserve (Ret.)

cc: (w/cc of recent ltr to the NRC) by mail & mail/or e-mail to distribution list

Steven Chu, Secretary of Energy
Carol Browner, US Dept of Energy
Linda Adams, Secretary of the EPA
Dale E. Klein, Chairman of the NRC
Kristine L. Svinicki, Commissioner, NRC
Gregory B. Jaczko, Commissioner, NRC
Peter B. Lyons, Commissioner, NRC
David J. Wrona, Branch Chief, NRC
Andrew Stuyvenberg, Env. Project Manager, NRC
Regional Administrator, NRC
Charles Schumer, U.S. Senator
Kirsten Gillibrand, U.S. Senator
Nita Lowey, U.S. Representative
Eliot Engel, U.S. Representative
Jon Hall, U.S. Representative
Maurice Hinchey, U.S. Representative
David Paterson, Governor, NYS
Andrew Cuomo, Attorney General NYS
John Sipos, Asst. Atty. Gen., NYS
Charles Donaldson, Asst. Atty. Gen., NYS
Joan Leary Matthews, NYS DEC
Paul D. Tonko, NYSERDA
Richard Brodsky, NYS Senator
Andrea Stewart Cousins, NYS Assembly
Andrew Spano, Westchester County Executive
William J. Ryan, Westchester County Board of Legislators
Thomas J. Abinanti, Chair Comm. on Env. & Energy
Paul J. Feiner, Greenburgh Town Supervisor
Peter Swiderski, Hastings-on-Hudson Mayor
Sandeep Mehrotra, Hastings-on-Hudson Conservation Commission
Ron Cascone, Hastings-on-Hudson Conservation Commission
Jacques Padawer, Hastings-on-Hudson Conservation Commission
Alex Matthiesson, Riverkeeper
Tim LaMorte, Rivertowns Enterprise
Paul G. Richards, Columbia University Lamont-Doherty Earth Observatory
Senior Manager, Nuclear Safety & Licensing, Entergy, Jackson, MI
Manager, Licensing, Entergy Buchanan, NY

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.291.1; Fri, 27 Mar 2009
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<NRCExecSec@nrc.gov>; Fri, 27 Mar 2009 00:45:04 -0400 (EDT)
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From: "Peter D. Wolf" <seawolf@cloud9.net>
To: <NRCExecSec@nrc.gov>
Subject: e-mail to President Obama
Date: Fri, 27 Mar 2009 00:45:09 -0400
Message-ID:
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Content-Language: en-us
Return-Path: seawolf@cloud9.net

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket Nos. 50-247-LR
)	50-286-LR
)	
(Indian Point Nuclear Generating Station,)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LETTER OF THE SECRETARY TO PETER D. WOLF IN RESPONSE TO HIS MARCH 17 LETTER TO THE CHAIRMAN AND MARCH 27 E-MAIL TO PRESIDENT OBAMA have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Adjudication
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Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
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Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
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Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
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Mail Stop O-15D21
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Administrative Judge
Lawrence G. McDade, Chair

Administrative Judge
Richard E. Wardwell

Administrative Judge
Kaye D. Lathrop
190 Cedar Lane E.
Ridgway, CO 81432

Zachary S. Kahn, Law Clerk

Docket Nos. 50-247-LR and 50-286-LR

LETTER OF THE SECRETARY TO PETER D. WOLF IN RESPONSE TO HIS MARCH 17 LETTER
TO THE CHAIRMAN AND MARCH 27 E-MAIL TO PRESIDENT OBAMA

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Docket Nos. 50-247-LR and 50-286-LR

LETTER OF THE SECRETARY TO PETER D. WOLF IN RESPONSE TO HIS MARCH 17 LETTER
TO THE CHAIRMAN AND MARCH 27 E-MAIL TO PRESIDENT OBAMA

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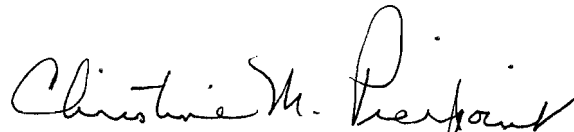
Richard L. Brodsky
Assemblyman
5 West Main Street
Suite 205
Elmsford, NY 10523

Docket Nos. 50-247-LR and 50-286-LR

LETTER OF THE SECRETARY TO PETER D. WOLF IN RESPONSE TO HIS MARCH 17 LETTER
TO THE CHAIRMAN AND MARCH 27 E-MAIL TO PRESIDENT OBAMA

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Counsel for Riverkeeper, Inc.
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Sarah L. Wagner, Esq.
Legislative Office Building, Room 422
Albany, NY 12248


Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 21st day of May 2009