

INDIAN POINT

2011 ANNUAL ASSESSMENT MEETING

Written Statements from the Public

June 17, 2011

ADAMS Accession No. 111680173



The Raging Grannies ... and Their Friends  
of Westchester County NY  
<http://westchester.raginggrannies.org/index.html>  
June 2, 2011

NRC Public Hearing  
Colonial Terrace, 119 Oregon Road  
Cortlandt Manor, NY 10567

Representatives of the Nuclear Regulatory Commission,

“There is no safe lower limit” means that the low levels of man-made radiation circulating globally kill. It had been assumed that low levels were safe, that a little radiation might even be good for you.

Over the last few decades real world data has become available from regions where radiation has been released – Japan, Belarus, Iraq, etc. The data proves the assumption false. Even at low levels of exposure to man-made radiation, even at levels near or less than natural background level radiation, the death rate spiked. This and more has been reported by the highly respected European Committee on Radiation Risk (ECRR), which was set up to be independent of nuclear industry influence. While the earlier models used to predict harm from radiation were repeatedly proven inaccurate by the actual data, the ECRR model, on the other hand, accurately predicted the harm and the spikes in the death rates.

“No safe lower limit” means it is not enough to set allowable exposure levels for individuals close to a radiation source. Communities far from the source experience harm and death from the low level accumulations of dispersed radiation. In the NRC's decisions on whether to relicense nuclear facilities, the collective dose worldwide and deaths of individuals far from the original radiation source must be counted and considered.

Civilized societies have recognized for centuries that it is morally and ethically wrong to have some reap benefits (like electricity) while others, without choice or compensation, bear the costs (like health issues and death, generation after generation). Murder is also recognized as wrong. “No safe lower limit” means random murder, into the future, indefinitely.

While the earlier models, based on assumptions due to lack of clear data, calculated about 1 million deaths worldwide since 1945 from man-made radiation, the ECRR model, based on the scientific method and actual data, calculates 62 million deaths for the same time period

This data has been coming in for decades. We need to face the data if it is correct, recognize its import. See the possibilities. There is the possibility of mass murder which could be interpreted as Crimes Against Humanity as defined in the Rome Statute of the International Criminal Court. Now that we have data indicating death, globally, far from the radiation source, are the decision makers who relicense nuclear power plants liable for prosecution for Crimes Against Humanity?

We need a livable world for the grandchildren of our global family.  
Stop the relicensing of Indian Point!

Sincerely,

*Geraine Scudiero* *Valery Keramitz* *Betty Gysser* *Kidney Roberts*  
*Linda Conte*

The Raging Grannies ... and Their Friends Westchester County NY

Valery Keramaty, [REDACTED]  
June 2, 2011

NRC Public Hearing  
Colonial Terrace, 119 Oregon Road  
Cortlandt Manor, NY 10567

Dear NRC Representatives,

“There is no safe lower limit” means that the low levels of man-made radiation circulating globally kill. It had been assumed that low levels were safe, that a little radiation might even be good for you.

Over the last few decades real world data has become available from regions where radiation has been released – Japan, Belarus, Iraq, etc. The data proves the assumption false. Even at low levels of exposure to man-made radiation, even at levels near or less than natural background level radiation, the death rate spiked. This and more has been reported by the highly respected European Committee on Radiation Risk (ECRR), which was set up to be independent of nuclear industry influence. While the earlier models used to predict harm from radiation were repeatedly proven inaccurate by the actual data, the ECRR model, on the other hand, accurately predicted the harm and the spikes in the death rates.

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Sincerely,

  
Valery Keramaty

# **STATEMENT BEFORE THE NRC - June 2, 2011**

## **I. THERE WILL BE AN INCIDENT @ INDIAN PT WITH UNTOLD DAMAGE & UNIMAGINABLE CONSEQUENCE**

### **A. We don't know what'll occur –**

**1. It could be Natural, such as an earthquake or tornado**

**2. Or it could be man-made**

a. If man-made, it could be intentional

1. Terrorist Attack (Al Qaeda or Domestic like Oklahoma City)

2. Industrial Sabotage (Bhopal or 'The Mad Bomber')

b. It could be unintentional, like one or more operator errors

### **B. We don't know when it will occur - in millennia or tomorrow**

**1. We can hope that it won't happen for millennia**

**2. We cannot know that it will not happen tomorrow (eg 9/11)**

### **C. But we know that it will occur**

1. Regardless of whether adhering to Murphy's Law: Given a Sufficient Amount of Time, Anything that can go Wrong, Will

2. Or adopt the 'Black Swan' paraphrased that events at ends of Bell-Shaped Curves occur more often with much more dire consequences

## **II. THE RISK-REWARD RATIO**

### **A. We Make Risk-Reward Decisions Constantly**

**1. The Chance of an Automobile Accident Coming Here v. Home**

**2. But These Must Be Made Rationally Weighing Risk & Reward**

**3. Let's Look at a Riverfront Property on the Hudson River**

- a. **There was a Flood in 1947**
- b. **Could Decide to Build a 500 Year Flood Barrier**
- c. **Could Decide to Save \$ & Build a 5 Year Flood Barrier**
  - i. **Flood is a finite event (the water comes; then it goes)**
  - ii. **Clean-Up Cost Might Even be Less than Building 500**

## **B. Risk-Reward Decisions are Different with Nuclear Plants**

1. **Theoretically couldve started work on new WTC next day**
2. **Dead Zone @ Chernobyl 250 Years (Plutonium 250K yrs)**
3. **People Here Would Lose Most Valuable Asset (Home)**
4. **Most Would Lose Their Jobs & Way of Life**
5. **For What? The Reward is Trivial Compared to Risk**

## **III. WHAT HAPPENED @ FUKUSHIMA IS PREDICTABLE**

**A. There have been 5 Such Earthquakes in recorded history**

**B. Much Recent Evidence that Tsunamis follow Earthquakes**

**C. Responsible Parties Should Have Foreseen & Prepared**

1. **PLANT SHOULD'VE BEEN BUILT WITH EARTHQ/TS IN MIND**
  - a. **Construct Electrical Cables Very High Above Ground**
  - b. **Have supplemental power system in case of electrical failure**
2. **PLANT SHOULD'VE BEEN UPGRADED WITH NEW KNOWLE**
3. **INSPECTIONS, IMPROVEMENTS SHOULD'VE BEEN DONE**
4. **OFFICIALS > 1ST RESPONDERS SHLD KNOW WHAT 2 DO**  
eg helicopters w/water prob killed cooling pumps so when electric return
5. **PLANT PERSONNEL SHOULD HAVE BEEN TRAINED TO ACT**

- a. This week UN Report Praised Plant Workers
- b. Also Evacuation Program Worked Pretty Well

**D. Point: Cldn't've prevented Earthq & Ts but Could Mitigate Damage**

#### **IV. HOW DOES THAT RELATE TO INDIAN POINT?**

**A. Many analogies between Fukushima & Indian Point are chilling**

1. From the NRC's Assessment that IP3 is most susceptible to E damage
2. To the Questionable Inspections and Oversight to be discussed below

**B. Other Aspects are Quite Different**

1. Here 10 times as many people within 50 miles & no viable escape plan
2. Altho we do not have Tsunamis, there are many other dangers (eg Lightning hitting the Natural Gas Pipeline near IP & creating a fireball
3. Altho we are grateful nothing dire happened yet doesn't mean it won't
  - a. Fukushima up to March 9<sup>th</sup>
  - b. Record in the Gulf before Deepwater Horizon

#### **V. THE ROLE OF THE NRC**

**A. Your Motto is "Protecting People and the Environment"**

**B. You say 'All Nuclear Plants in the U.S. are Safe'**

1. At worst, it is arrogant; at best, it is misleading about Indian Point
2. Even on a comparative basis, IP2 & IP3 have abysmal safety records
  - a. The # of leaks, unplanned shutdowns, etc. are woeful
  - b. More importantly, what is the state of the plants now?

**C. Most Importantly, Cannot Understand Why Standards Not Enforced**

**D. I Believe NRC Should be Aggressive in Its Enforcement (Risk/Reward)**

**E. It is Clear that Indian Point Does Not Want to do the Right Thing**

**1. They are constantly seeking Exemptions (eg Fire Safety)**

**2. They do not want the cooling towers in the Hudson**

**3. They don't want to Spend \$ to get the safest Spent Fuel Storage**

**F. OK, Maybe they feel it is most important to maximize profits**

**G. That's Why You're Here...to Protect People and the Environment**

**H. Giving So Many Exemptions that You Can't Remember, You're Not**

**I. Everyone I know, even the most pro-nuclear, want Maximum Safety**

## **VI. CONCLUSIONS**

**A. 1 of My Jobs in the Military was to Review Accident Reports**

**1. There were Practically No Accidents**

**2. Altho Unintended These Incidents Resulted From Human Acts**

**a. Acts of Commission**

**b. Acts of Omission**

**B. The Risks are Very High Compared to the Rewards re Indian Pt.**

**C. The NRC Must set and Enforce the Highest Safety Standards**

**D. The Record Here Shows the NRC is Not Doing Its Job Properly**

## **VII. FUTURE CONSIDERATIONS**

**A. Admit the Widest Range of Information Possible (eg Seismic)**

**B. Get Widest Range of Expertise (eg re Aging Nuclear Plants)**

**C. Use the Risk-Reward Decision-Making Process re Re-Licensing**

*Peter D. Wolf,*

**K317** Jaffee No Same as

Resolutions, Legislative

TITLE....Expressing concern and proposing requirements for re-licensing of Indian Point Nuclear Power Plant II and III

03/29/11 referred to corporations, authorities and commissions

05/10/11 reported to calendar for consideration

05/23/11 adopted

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Assembly Resolution No. 317

BY: M. of A. Jaffee

**EXPRESSING** concern and proposing requirements for re-licensing of Indian Point Nuclear Power Plant II and III by the Nuclear Regulatory Commission

**WHEREAS**, The radioactive releases from the Fukushima Daiichi Nuclear Plant in the aftermath of Japan's catastrophic earthquake have intensified fears that a failure at Indian Point Nuclear Plant, with its proximity to New York City, could result in far more loss of lives, long-term health complications and could precipitate an unprecedented downturn in the world economy; and

**WHEREAS**, Scientists at Columbia University's Lamont Dougherty Earth Observatory found that Indian Point sits on two active seismic zones, with the risk of an earthquake as high as 7.0 on the Richter scale; the Nuclear Regulatory Commission (NRC) has refused to consider these findings in its pending decision to re-license Indian Point II and III; and

**WHEREAS**, The Indian Point Nuclear Plant was listed by the Nuclear Regulatory Commission (NRC) as the most likely plant in the United States to suffer core damage from an earthquake; and

**WHEREAS**, There is consensus among emergency preparedness experts and the Governor of New York State that the evacuation plan for the 300,000 people in Indian Point's Emergency Planning Zone is unworkable, and that the inadequacy of the evacuation plan in a fast breaking scenario is corroborated by the 2003 Witt Report commissioned by former New York State Governor George Pataki; and

**WHEREAS**, The United States government recommended evacuation for all those living within a 50 mile radius of the Fukushima Daiichi Nuclear Plant and applying that standard to Indian Point would require the evacuation in a timely manner of the 20 million people within Indian Point's 50 mile radius, and would render an evacuation highly impractical if not impossible; and

**WHEREAS**, While adequate provision of energy is essential to the region, New York State Governor Andrew M. Cuomo has stated if the risk of an accident at Indian Point is too high, the plant should not be in operation; and

**WHEREAS**, Governor Andrew M. Cuomo also reported that replacing the power Indian Point generates is possible and doable; and

**WHEREAS**, The NRC's criteria for re-licensing, applied for by Indian Point owner and operator, the Entergy Corporation, does not include an Independent Safety Assessment (ISA), consideration of the evacuation plans, seismic or terrorist events, and many other criteria that are considered in the building and placement of new nuclear plants; now, therefore, be it

**RESOLVED**, That this Legislative Body pause in its deliberations to oppose the re-licensing of Indian Point Nuclear Power Plant II and III by the Nuclear Regulatory Commission unless the plan undergoes a true

Independent Safety Assessment (ISA), is found to pose no risk to the immense population that encircles the facility, that emergency experts from outside the NRC agree that a mass evacuation in the region could work; that all factors in the vetting process of new reactors are considered and applied; and be it further

**RESOLVED,** That a commission be formed to study and recommend the most efficient, sustainable energy sources to replace what Indian Point Nuclear Plant generates; and be it further

**RESOLVED,** That copies of this Resolution, suitably engrossed, be transmitted to the Nuclear Regulatory Commission, and to The Honorable Andrew M. Cuomo, Governor of the State of New York.

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**WESTCHESTER COUNTY  
BOARD OF LEGISLATORS**

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*Series of Indian Point Resolutions*

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BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER,  
STATE OF NEW YORK

INTRODUCED BY:  
KAPLOWITZ & ABINANTI

**Resolution No. 112 - 2007**

WHEREAS, the operating licenses for Indian Point 2 and Indian Point 3, located in Buchanan, New York, expire in 2013 and 2015, respectively, and

WHEREAS, Entergy Corporation, the owner and operator of these power plants has submitted their application to the U.S. Nuclear Regulatory Commission (NRC) for license renewal which would extend the plants' operations for another twenty years, and

WHEREAS, this Honorable Board has passed numerous Resolutions regarding the Indian Point Nuclear Power Plants, calling for, among other things, the NRC to change their siting regulations as stated in 10 CFR Part 54 to require nuclear power plants applying for license renewal to be held to the same standards as a new plant, and

WHEREAS, on May 3, 2007, U.S. Representatives Nita Lowey, John Hall and Maurice Hinchey, introduced the *Nuclear Power Licensing Reform Act of 2007* (H.R. 2162) which, if passed, would amend Section 103 of the Atomic Energy Act of 1954, subsection c. by adding at the end the following: 'Any such renewal shall be subject to the same criteria and requirements that would be applicable for an original application for initial construction, and the Commission shall ensure that any changes in the size or distribution of the surrounding population have not resulted in the facility being located at a site at which a new facility would not be allowed to be built.', now therefore be it

RESOLVED, that the Westchester County Legislature urges the immediate passage of H.R. 2162, which would mandate the criteria for license renewal of a nuclear power plant be the same as that required for a new plant, and be it further

RESOLVED, that the Westchester County Legislature requests that New York State Governor Eliot Spitzer and New York State Attorney General Andrew Cuomo join the Westchester County Legislature, and make a formal request to New York's Congressional Delegation urging the immediate passage of H.R. 2162, and be it further

RESOLVED, that the Clerk of the Westchester County Legislature forward copies of this Resolution to U.S. Representatives Nita Lowey, Eliot Engel, Maurice Hinchey, John Hall, Kirsten Gillibrand and Christopher Shays, U.S. Senators Charles Schumer and Hillary Rodham Clinton, New York State Governor Eliot Spitzer and New York State Attorney General Andrew Cuomo, so the intent of this Honorable Board be widely known.

*John Hall*  
*Nita Lowey*

*Christopher Shays*

*Andrew Cuomo*

COMMITTEE ON ENVIRONMENT & ENERGY

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 112 - 2007 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolution which was duly adopted by the Westchester County Board of Legislators of said County on June 4, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 5<sup>th</sup> day of June, 2007.



\_\_\_\_\_  
Tina Seckerson

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

(seal)



BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER,  
STATE OF NEW YORK

INTRODUCED BY:  
KAPLOWITZ & ABINANTI

**Resolution No. 87 - 2007**

WHEREAS, the operating licenses for Indian Point 2 and Indian Point 3, located in Buchanan, New York, expire in 2013 and 2015, respectively, and

WHEREAS, this Honorable Board has passed numerous Resolutions regarding the Indian Point Nuclear Power Plants, calling for, among other things, the NRC to deny the applications for license renewal for Indian Point 2 and Indian Point 3, and

WHEREAS, Entergy Corporation, the owner and operator of these power plants has submitted their application to the U.S. Nuclear Regulatory Commission (NRC) for license renewal which would extend the plants' operations for another twenty years, now therefore be it

RESOLVED, that the Westchester County Legislature urges the NRC to hold hearings in Westchester County at a time and place that will allow for maximum input from Westchester residents, and be it further

RESOLVED, that NRC representatives coordinate these meetings with this Honorable Board, and be it further

RESOLVED, that the Clerk of the Westchester County Legislature forward a copy of this Resolution to U.S. Representatives Nita Lowey, Eliot Engel and John Hall, U.S. Senators Charles Schumer and Hillary Rodham Clinton, and the appropriate NRC personnel, so the intent of this Honorable Board be widely known.

Date: May 7, 2007

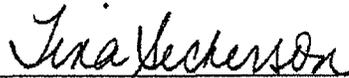
*J. Abinanti*  
*Judith Kaplowitz*  
*Robert P. Roginsky*

COMMITTEE ON ENVIRONMENT & ENERGY

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 87 - 2007 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolution which was duly adopted by the Westchester County Board of Legislators of said County on May 7, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 8<sup>th</sup> day of May, 2007.



\_\_\_\_\_  
Tina Seckerson

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

(seal)



BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER,  
STATE OF NEW YORK

INTRODUCED BY:  
**LEGISLATOR ABINANTI**

**RESOLUTION NO. 17 - 2007**

WHEREAS, Entergy is the owner and operator of two nuclear power plants, Indian Point 2 and Indian Point 3, located in the Village of Buchanan, Westchester County, New York; and

WHEREAS, The Nuclear Regulatory Commission (NRC) is the federal regulatory agency overseeing, regulating and licensing IP2 and IP3; and

WHEREAS, the NRC has the power and authority to order an Independent Safety Assessment (ISA) of IP2 and IP3; and

WHEREAS, such an ISA was conducted at the Maine Yankee Nuclear Power Plant, and

WHEREAS, there are concerns over the historical safety record of Indian Point, especially in light of the age of the Indian Point facilities, which could compromise the health and safety of Westchester residents; and

WHEREAS, the citizens of Westchester County, because of their close proximity to Indian Point, deserve to have a clear and accurate assessment of any and all safety problems or issues that are currently known or may be discovered at Indian Point; and these issues should be presented to the public in a timely manner after discovery; and

WHEREAS, the NRC, in spite of the problems and safety issues experienced by IP2 and IP3, has refused to order an ISA of IP2 and IP3; and

WHEREAS, legislation was introduced in both Houses of the 109th U.S. Congress (H.R.4891 and S.2488) that would have mandated the NRC to order a Maine Yankee-style ISA on the vital systems of Indian Point and require FEMA to justify, with specificity, its approval of the IP evacuation plan despite the findings of the 2003 Witt Report, commissioned by then New York State Governor George Pataki, which detailed the impossibility of evacuation should an incident occur at the Indian Point site; and

WHEREAS, that legislation which would have required:

- 1) a "vertical slice" review of all operating systems;
- 2) a "horizontal" review of all plant maintenance;

- 3) a rigorous re-evaluation of the feasibility of the evacuation plan for Indian Point;
- 4) a mandate that independent experts conduct the review, and
- 5) a mandate that the review be monitored by local officials; now therefore be it

RESOLVED, that the Westchester County Board of Legislators requests that the 110<sup>th</sup> United States Congress enact legislation that would require the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plants through the reintroduction and passage of H.R.4891 and S.2488 (109<sup>th</sup> Congress); and be it further

RESOLVED, that this Honorable Board requests that New York State Governor Eliot Spitzer and New York State Attorney General Andrew Cuomo join the Westchester County Legislature, on behalf of the public health and safety of Westchester residents, and also make a formal request to New York's 110<sup>th</sup> Congressional Delegation to immediately reintroduce and pass S.2488 and H.R.4891 as introduced in the 109<sup>th</sup> Congress; and be it further

RESOLVED, that the Clerk of the Board forward a copy of this Resolution to New York State Governor Eliot Spitzer and New York State Attorney General Andrew Cuomo, United States Senators Charles Schumer and Hillary Rodham Clinton, United States Representatives Eliot Engel, Nita Lowey, John Hall, Maurice Hinchey and Christopher Shays, so that the intent of this Honorable Board be widely known.

Dated: *January 22*, 2007  
White Plains, New York

Committee(s) on: *Environment and Energy*

*J J Almonte*  
*Mark C. Loggins*  
*W B King*  
*Judith Meyer*  
*James Marzano*

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 17 - 2007 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolution which was duly adopted by the Westchester County Board of Legislators of said County on February 12, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 13<sup>th</sup> day of February, 2007.



\_\_\_\_\_  
Tina Seckerson

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

(seal)

RESOLUTION 119 - 2005

WHEREAS, Federal law requires that licensees of nuclear generating facilities develop Radiological Emergency Preparedness (REP) Plans;

WHEREAS, County governments where the nuclear generating facilities are located carry the bulk of the responsibility for developing updating and periodically evaluating the REP plan's effectiveness;

WHEREAS, New York State currently requires licensees to pay an annual fee of \$550,000 per nuclear generating facility, half of which amount is given to counties whose boundaries are within a 10-mile radius of said nuclear generating facility;

WHEREAS, While Westchester receives \$412,500 per year under this arrangement, the actual costs to County taxpayers for radiological emergency preparedness is over ten times that amount -- \$4.6 million annually;

WHEREAS, Virtually every County department is called on to maintain and participate in the REP plan for the Indian Point Nuclear Facilities, and the Department of Emergency Services, the Department of Health and the Department of Public Safety in particular, contribute enormous resources to ensure that the REP plan requirements are met;

WHEREAS, County property tax dollars are utilized to supplement the difference between the licensee fee that Westchester receives and the total amount that the County subsidizes;

WHEREAS, County government has a principal role to play in REP planning, however County property taxpayers should not have to subsidize the entire cost of that planning;

WHEREAS, Legislation (A.2099/S.241) currently pending before the state legislature would offset the local costs for radiological preparedness by requiring that the fee paid by the licensees of nuclear plants be increased to reflect the actual costs incurred by local governments associated with radiological preparedness;

THEREFORE, LET IT BE RESOLVED, That the Westchester County Board of Legislators supports A.2099/S.241 and urges the New York State Legislature to enact this legislation.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the members of Westchester County's state Senate and Assembly delegations, and the members of the Assembly Ways and Means Committee and the Senate Energy and Telecommunications Committee.

Dated: May 23, 2004  
White Plains, New York

COMMITTEES ON

2/15/12  
Ronald L. White  
Meth & Assembly  
Lois B. G...  
Bernice Spachmann  
Joe Al...  
Judith Nye  
Glen...  
William J. Ryan

Budget & Appropriations

Ronald L. White  
2/15/12  
Meth & Assembly  
Bernice Spachmann  
William J. Ryan

Public Safety

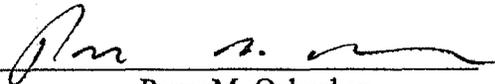
William J. Ryan  
Judith Nye  
Bernice Spachmann  
William J. Ryan

Environment

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 119 - 2005 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolutions which was duly adopted by the Westchester County Board of Legislators of said County on May 31, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 1<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
Perry M. Ochacher

The Clerk of the Westchester County  
Board of Legislators  
and Chief of Staff

County of Westchester, New York

(seal)

RESOLUTION No. 269 -2003

**Whereas**, Entergy Corp., owner and operator of the Indian Point Nuclear Power Plants, has expressed its intent to apply for operating license extensions of 20 years for IP2 and IP3, and being that the Westchester County Board of Legislators has previously expressed its concern over the continued operation of the nuclear power plants at the Indian Point Energy Center through several resolutions passed by this Honorable Board, including Resolution No. 142-2002 which calls on officials from the Federal, State and Local governments to work with relevant parties to develop a plan that includes the below listed action steps, namely:

1. the development of an alternative, uninterrupted, and affordable energy source to replace the power currently produced at Indian Point,
  2. the development of a financial plan that will mitigate the negative real estate tax implications on the local communities, school district, and county government,
  3. the development of a plan to positively consider the current employees, such consideration will include job placement, retraining of affected workers, and other employment strategies, and
  4. the development of a plan that ensures that spent fuel rods will be immediately secured and properly protected on site from the threat of a terrorist attack or accident, and
- that an orderly closure and decommissioning of the Indian Point Nuclear Power Plants begin at the earliest possible time, and

**Whereas**, this Honorable Board reiterates its resolve, based on the potential of a terror attack on the plants, a concern about the age of the plants, and the potential results of a failure of equipment or human error in the operations of the plants, and

**Whereas**, Indian Point 2 and 3 were initially licensed based on Nuclear Regulatory Commission (NRC) regulations promulgated over 30 years ago, and if plant owners were to apply for a license to operate a nuclear power plant at the Indian Point site today, it would not likely be granted by the NRC under its current standards and regulations, specifically prohibiting the siting of nuclear power plants based on population density considerations, now therefore be it,

**Resolved**, that the Westchester County Board of Legislators opposes the re-licensing of Indian Point 2 and Indian Point 3 when their current licenses expire in 2013 and 2015, respectively, and that the NRC prohibit Entergy Corp.'s Indian Point 2 and 3 from being re-licensed, and to make this finding as soon as possible so that all concerned and involved parties can devote their time and resources to finding alternatives to the existing nuclear power plants, and be it further

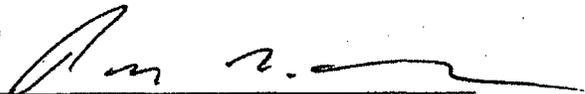
**Resolved**, that the NRC should modify, through its GEIS process, its siting regulations to reflect current considerations including that of terrorism, and be it further

**Resolved**, that the Clerk of the Board of Legislators forward the text of this resolution to Westchester County's State and Federal delegation, to all legislative bodies and elected officials within the 50-mile zone surrounding the Indian Point Nuclear Power Plants, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of this Honorable Board be widely known.

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 269 - 2003 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolutions which was duly adopted by the Westchester County Board of Legislators of said County on November 24, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 25<sup>th</sup> day of November, 2003.



Perry M. Ochacher

The Clerk of the Westchester County  
Board of Legislators  
and Chief of Staff

County of Westchester, New York

(seal)

RESOLUTION 10 -2003 (As Amended)

WHEREAS, among its duties and responsibilities, the Westchester County Board of Legislators is charged with overseeing and guaranteeing the public health and safety of those who live and/or work within Westchester County, and

WHEREAS, consistent with this charge, this Honorable Board, through its Committees on Public Safety and Criminal Justice and on Environment and Health, has, for the past three years, been monitoring the County's Emergency Evacuation Plan that would be put into effect in the event of a radiological incident at the Indian Point Nuclear Power Plant, and

WHEREAS, as a result of serious questions raised regarding this Plan the two aforementioned Committees did urge that an independent, non-governmental assessment be made of the ability of Plan to achieve its goals of protecting public health and ensuring public safety, and

WHEREAS, under contract with the State of New York such an assessment has been made and the findings released by James Lee Witt Associates, LLC and

WHEREAS, these findings have pointed to deep deficiencies in the Plan, many of which had already been noted by your Honorable Board's aforementioned Committees, and

WHEREAS, these deficiencies have, in turn, called into question the ability of the Plan to achieve the goals of protecting public health and ensuring public safety, and

WHEREAS, acting on the recommendation of its two aforementioned Committees, this Honorable Board has determined that these deficiencies must, as a matter of the public good, be addressed and remedied with the greatest possible speed, and

WHEREAS, by Charter, this Honorable Board is responsible for setting the policies that are to be carried out by the County of Westchester, especially, but not limited to, those that protect public health and ensure public safety, NOW THEREFORE BE IT

RESOLVED, that this Honorable Board does reaffirm with utmost urgency its call made through Resolution No. 265 - 2001 that security at the Indian Point Nuclear Power Plants be placed under the control of the United States military and that this be done without further delay, and be it further

RESOLVED, that as a matter of policy, this Honorable Board does hereby direct the County Executive or any other official and/or employee of the County of Westchester not to issue a radiological emergency preparedness activities form or any other official communication that would in any way state or imply that the Emergency Evacuation Plan as it currently exists is capable of achieving its goals of protecting public health and ensuring public safety in the event of a radiological incident, and be it further

RESOLVED, that, should such communication be mandated by a higher authority, this Honorable Board does hereby direct, as a matter of policy, that it shall not be issued without an accompanying disclaimer that the Emergency Evacuation Plan as it currently exists should not be construed as capable of achieving its goals of protecting public health and ensuring public safety, and be it further

RESOLVED, that this Honorable Board, as a matter of policy, does hereby direct that the County Executive immediately begin to incorporate the germane recommendations of the Witt Report into the Emergency Evacuation Plan and that he report back to this Honorable Board no later than 120 days following the passage of this Resolution on the progress that has been made with respect to this directive, and be it further

RESOLVED, that this Honorable Board does hereby call upon the State and Federal Governments to immediately begin to implement those recommendations of the Witt Report relevant to their respective responsibilities in and for the Emergency Evacuation Plan, and be it further

RESOLVED, that this Honorable Board does hereby call upon the Nuclear Regulatory Commission to immediately shutdown the Indian Point Nuclear Power Plants and provide for the proper safeguarding of all of the fuel rods by removal or safe storage until such time as it can be demonstrated that the Emergency Evacuation Plan can achieve its goals of protecting public health and ensuring public safety, and be it further

RESOLVED, that this Honorable Board does hereby reaffirm anew its wishes that the Indian Point Nuclear Power Plants be decommissioned at the earliest possible date in accordance with the guidelines specified in Resolution No. 142-2002, and be it further

RESOLVED, that this Honorable Board does hereby direct that its will and its desire as expressed through the Resolution here passed be transmitted to all parties appropriate within the county, State and Federal Governments empowered to act upon and effect the provisions as stated herein.

Dated: January 13, 2003  
White Plains, NY

*William J. Ryan*  
*20 B. J. J.*  
*Patricia W. White*  
*Louis Brown*  
*Suzanne Swanson*  
*Chris Daniels*

*20 B. J. J.*  
*William J. Ryan*  
*Louis Brown*  
*Suzanne Swanson*  
*Mark L. Brown*  
*Vito Pinto*

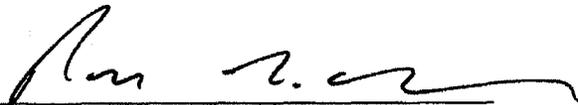
COMMITTEE ON PUBLIC SAFETY  
AND CRIMINAL JUSTICE

COMMITTEE ON ENVIRONMENT  
AND HEALTH

STATE OF NEW YORK            )  
  ) ss.  
COUNTY OF WESTCHESTER    )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 10 -2003 (as amended) with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolutions which was duly adopted by the Westchester County Board of Legislators of said County on January 21, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 21<sup>st</sup> day of January , 2003.



Perry M. Ochacher

The Clerk of the Westchester County  
Board of Legislators  
and Chief of Staff

County of Westchester, New York

(seal)

RESOLUTION 142 -2002

Whereas, residents of Westchester County and other citizens have voiced their concern about the safety of the Indian Point Nuclear Power Plants, particularly since the events of September 11, 2001, and

Whereas, concern has been raised about the potential results of a terror attack on the plants, or the potential results of a failure of equipment or human error in the operations of the plants, in such a densely populated region of the country, now therefore be it

Resolved, that officials from the Federal, State and Local governments working with relevant parties develop a plan that includes the below listed action steps, namely:

- 1. the development of an alternative, uninterrupted, and affordable energy source to replace the power currently produced at Indian Point,
- 2. the development of a financial plan that will mitigate the negative real estate tax implications on the local communities, school district, and county government,
- 3. the development of a plan to positively consider the current employees, such consideration will include job placement, retraining of affected workers, and other employment strategies, and
- 4. the development of a plan that ensures that spent fuel rods will be immediately secured and properly protected on site from the threat of a terrorist attack or accident, and be it further

Resolved, that an orderly closure and decommissioning of the Indian Point Nuclear Power Plants begin at the earliest possible time, and be it further

Resolved, that this Resolution be transmitted to the Governor of the State of New York and all of Westchester's Federal and State representatives so that they may know the will and intent of this Honorable Board.

Dated: 9/9/02  
White Plains, New York

W.B. Ky  
 Suzanne Swanson  
 Robert L. [unclear]  
 Vito [unclear]  
 Charles G. LaMotte  
 James Mansam

COMMITTEE ON ENV. & HEALTH

Suzanne Swanson  
 W.B. Ky  
 (Suzanne Swanson)  
 Robert L. [unclear]

COMMITTEE ON PUBLIC SAFETY & CRIMINAL

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF WESTCHESTER )

I HEREBY CERTIFY that I have compared the foregoing Resolution, Resolution No. 142 - 2002 with the original on file in my office and that the same is a correct transcript therefrom and of the whole of said original Resolutions which was duly adopted by the Westchester County Board of Legislators of said County on September 9, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators on this 10<sup>th</sup> day of September, 2002.

  
Patricia F. Gorski  
*TINA SECKERSON*  
*ACTING* The Clerk of the Westchester County  
Board of Legislators  
and Chief of Staff

County of Westchester, New York

(seal)

**Resolution No. 266-2001**

**WHEREAS**, in light of recent events and in this age of terrorism, the spectre of Indian Point being damaged by terrorists is too horrible to comprehend, and

**WHEREAS**, Entergy recently bought Indian Point II and III and the decommissioned Indian Point I nuclear power plants located in Buchanan, New York, and

**WHEREAS**, Entergy states its commitment to safely producing electric energy for this region with significant accompanying economic benefits of jobs created and taxes paid, and

**WHEREAS**, approximately five percent of the nation's population lives within fifty miles of Indian Point and would be at risk from a large-scale incident, and

**WHEREAS**, there is a natural gas line that presently feeds into the facilities and that Entergy is planning to build a separate finishing plant that would use natural gas, and understanding there are large resources of natural gas in North America, now, therefore, be it

**RESOLVED** that the Westchester County Board of Legislators calls on Entergy, the New York State Public Service Commission and all other relevant parties to immediately begin a detailed feasibility study on converting Indian Points II and III from nuclear energy to natural gas or other non-nuclear fuel, and

**RESOLVED** that while the potential cost of conversion is expensive, it is an expense that in the interest of safety and sanity must be made given the potential danger to life and property, and be it further

**RESOLVED**, this resolution be transmitted to our entire Federal and State delegation.

Dated *October 23*, 2001  
White Plains, New York

*Zip B. King*  
*Ursula G. LaMotte*

**PASSED BY FULL BOARD W/17-0 VOTE ON OCTOBER 29, 2001**

**RESOLUTION 265-2001**

**WHEREAS**, in light of recent events and our present and increasingly growing concern with Indian Point II and Indian Point III nuclear power plants as potential targets of terrorism, and

**WHEREAS**, an attack on the Indian Point nuclear facility could be devastating to all area Westchester residents as well as to the approximately five percent of the nation's population living within fifty miles of Indian Point who would be at risk from a large-scale incident, and

**WHEREAS**, we recognize that the debate on the long term future of Indian Point will take place but we are now most concerned about the immediate protection of the plant, and

**WHEREAS**, we as representatives of all Westchester County residents need to know that the federal and state governments are taking all appropriate measures to protect the nuclear plants, and

**WHEREAS**, any plan to safeguard our people must involve federal, state, county and local officials working together with clearly delineated responsibilities, now therefore be it

**RESOLVED**, we the members of the Westchester County Board of Legislators call on the governments of the United States of America and the State of New York to develop a comprehensive plan to properly defend the Indian Point nuclear plants from all potential areas of attack, and

**RESOLVED**, we further call upon the appropriate Federal and State officials, within the context of national security concerns, to assure that coordinated actions are being taken to protect our installations and facilities and to safeguard our citizenry, and

**RESOLVED**, that the above mentioned governments immediately and permanently deploy all appropriate military resources, including anti-aircraft and anti-ship weaponry, as well as necessary United States military and New York State Guard personnel to properly defend the plants from any and all attacks, and

**RESOLVED** that this resolution be transmitted to the President of the United States, the Governor of the State of New York and to all our Federal and State representatives.

Dated: October 29, 2001  
White Plains, New York

RESOLUTION 283 - 2001

**WHEREAS**, the safety of its residents is of the utmost importance to the Westchester County Board of Legislators, and

**WHEREAS**, this board previously resolved under Board Resolution No. 265-2001 the need for immediate protection of the Indian Point Power Plants and urged the deployment of appropriate military resources and personnel, and resolved under Board Resolution No. 266-2001, the need for a long-term solution to this serious security issue and called on the Public Service Commission to conduct a feasibility study on converting these nuclear power plants to natural gas, and

**WHEREAS**, Entergy Corporation is now requesting permission to build eight 45-megawatt natural gas units on the Indian Point site, and

**WHEREAS**, said conversion of the entire existing Nuclear Power Plants, along with the proposed eight 45-megawatt natural gas units, would require a significant supply of natural gas beyond the supply already available, therefore be it

**RESOLVED**, that the Columbia Gas Transmission Corporation immediately amend their application to the Federal Energy Regulatory Commission (FERC) for the Millennium Pipeline, and alter their route by proposing that the 420 mile Millennium Pipeline, currently intended to travel throughout Westchester County and terminate in the City of Mt. Vernon, be reconfigured to end at the Indian Point Nuclear Facility in Buchanan, New York, and

**RESOLVED**, that the Governor of the State of New York, along with all appropriate officials and agencies, support the immediate and intense negotiations between Entergy Corporation and Columbia Gas Transmission Corporation in order to reach an agreement that would supply a sufficient amount of natural gas to Indian Point, and

**RESOLVED**, that the Public Service Commission should support such alteration of the Millennium Plan, and

**RESOLVED**, that the Public Service Commission deny approval for the proposed eight 45 megawatt natural gas units unless and until the existing facilities at Indian Point are completely converted, **and be it further**

**RESOLVED**, that this Honorable Board directs its clerk to transmit a copy of this resolution to Columbia Gas Transmission Corporation, Entergy Corporation, the Governor of the State of New York and all State and Federal Officials, so that the content and intent of this resolution be widely known.

Dated: November 19, 2001

Committee on the Environment

*Paul B. Key*  
*Vito Spato*