

DOCKETED
USNRC

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 11, 2012

Office of the Secretary, Rulemakings and Adjudications
Staff, U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001.
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Administrative Judge Lawrence G. McDade,
c/o Anne Siarnacki, Law Clerk,
Atomic Safety and Licensing Board Panel,
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RE: Indian Point 2 and 3

As a resident and business owner within 20 miles of Indian Point Nuclear Facility, I vehemently oppose the NRC granting a new superseding 20 year license for Indian Point 2 and 3. Pursuant to 10 CFR 2.315(a) I am submitting the following comments.

Indian Point is the most dangerous plant in the country. There is no rational justification for the NRC to permit it to operate for another 20 years, when the risks have so dramatically increased since it was first sited. The "relicensing" process which the NRC relies upon to grant a "new" license does not consider common sense realities, such as whether evacuation in a timely manner is even possible due to nearly 20 million people living within the 50 mile reactor community.

UNINSURED RISK

The insurance industry refuses to cover nuclear accident or facilities; therefore, I and the rest of the taxpayers, are the primary insurers of Indian Point. In considering whether Indian Point is an acceptable risk, it

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is important to consider that the total real property value, not including the cost of life, business and equipment, within the 50 mile radius is approximately \$8.5 trillion.

Yet, Entergy's liability is capped at only \$12.6 billion. That leaves 99.8% uninsured. This severe lack of insurance would cause bankruptcy of New York State and the United States.

Prior to 9/11, I didn't have an opinion one way or the other about nuclear power, but when the terrorists flew directly over Indian Point, and we learned that AlQaeda had considered hitting Indian Point first, I started to investigate.

Since 9/11, I learned even though Indian Point remains the most attractive terrorist site in the nation, the real risk at Indian Point is the lack of structural integrity due to embrittlement, age, the two underlying, intersecting active fault lines. And, the lack of mechanical integrity due to the 100's of safety exemptions, relaxations, deviations granted by the NRC.

Today an security office at Indian Point is suing Entergy for failing to provide adequate security at the nation's most attractive terrorist target.

Given the enormity of the risks and due to the lack of insurance coverage it would be an abdication of the NRC's responsibilities as prescribed in the Atomic Energy Act, to "relicense" Indian Point.

Below I have enumerated some of the many other reasons why Indian Point 2 and 3 should not be relicensed, and why decommissioning must commence immediately upon expiration of each license respectively in 2013 and 2015, if not sooner.

IT COULD NOT BE SITED TODAY WHERE IT IS LOCATED

- a. within 50 miles of nearly 20 million people, the largest reactor community in the world. The population has increase 10x since it was first sited.
- b. located 25 miles from Times Square and Wall Street;
- c. located 7 miles of West Point Military Academy;
- d. located at the intersection of two active fault lines documented in 2008 by Columbia University's Lamont-Doherty Earth Observatory seismic experts.

Public health and safety should not be grandfathered in.

THE IS NO WORKABLE OR FIXABLE EVACUATION PLAN

Emergency Plans and evacuation plans for the four counties surrounding are inadequate to protect public health and safety, due to limited road infrastructure, increased traffic and poor communications.

Handicapped, elderly, low income, nursery school age, or latch-key children are unequally protected.

After Fukushima, NRC said Indian Point was the domestic plant with the highest risk of earthquake damage. NRC recommended U.S. citizens within 50 miles of Fukushima to evacuate.

The NRC's acceptance of NEI's proposal that sheltering in place is an acceptable plan, if in direct contradiction to the NRC's own recommendations.

NUREG -0654, Appendix 1 issued in 1983 and enhanced in 1996, in the NRC Supplement 3 to NUREG-0654.FEMA-REP1 "Criteria for Protective Action Recommendations for Severe Accidents. States that:

“Since the publication of the original guidance extensive studies of severe reactor accidents have been performed. These studies clearly indicate that for all but a very limited set of conditions, prompt evacuation of the area near the plant is much more effective in reducing the risk of early health effects than sheltering the population in the event of severe accidents. In addition, studies have shown that except for very limited conditions. Evacuation in a plume is still more effective in reducing health risks that prolonged sheltering near the plant. The NRC and FEMA recommend that the population near the plant should be evacuated.”

WASTE

Currently the United States does not have a “waste storage confidence rule.” Until such time as all 1,500 tons of highly radioactive spent fuel waste and low level waste is removed from the site, the NRC cannot approve a new 20 year license which will create new waste, of another 1000+ tons to be left on the banks of the Hudson River.

The current system of dry cask storage on site is not adequately protected, as the casks are not earth bermed or protected.

New York State never agreed for the site to be used for long term or permanent waste storage on the banks of the Hudson River.

The original arrangements with the States was that after 20 years the federal government would take title and ownership of the waste via the DOE. This has never happened, and now the waste remains in the hands of private profit making corporation, creating a Homeland Security risk.

NRC cannot approve a new 20 year license which will create new waste until old waste problems are resolved, as it poses an ongoing, significant and unnecessary threat to the region and nation.

FUEL POOLS

The plant's spent, but still highly radioactive, fuel assemblies are densely-packed into severely over-crowded fuel pools, which are housed in totally unprotected metal storage buildings. Because of the dense packing and the layer of debris that covers the bottom of the fuel pools, Entergy is unable to visualize 60% of the fuel pool liners. The Boraflex panels, which are meant to absorb neutrons, are degrading over time. The possibility of a spontaneous fuel pool fire cannot be ruled out.

Jim Steet's Entergy's spokesperson has publicly reiterated that Entergy's plan to deal with a spent fuel fire is to use hoses to put the spent fuel fires out. We all saw how ineffective that method is during the Fukushima fires.

THE CURRENT LICENSE IS NOT IN COMPLIANCE WITH DESIGN BASIS STANDARDS AND SAFETY REQUIREMENTS

Hundreds of safety exemptions, relaxations and deviations had left Indian Point without adequate safety margins. Due to non-compliance to design basis, IP should not be allowed to continue to operate in non-compliance for another 20 years.

Despite multiple FOAI requests, the NRC has only identified approximately 83 of these exemptions due to a confusing and obtuse filing system. Through research we independently identified hundreds of these exemptions.

Shockingly, a large industrial facility like Indian Point does not have as-built elevations and plans, meaning the it is impossible for regulators or operators to know exactly where all changes have been made, where all wiring and piping is, and how exactly the plant is constructed . The NRC would be negligent to allow for a new 20 operating license to this hodgepodge, known as Indian Point Nuclear Facility.

FIRE SAFETY EXEMPTIONS

Indian Point is not in compliance with Fire Safety requirements, as it has allowed them to be reduced from 3 hours to 24 minutes in an area necessary for safe shut down, due to faulty fire insulation.

In addition the plant has a history of multiple transformer explosions, a major steam pipe rupture, clogged cooling system intakes, repeated siren failures - and is a sitting target for terrorism.

WELD & INSPECTION EXEMPTIONS

Each year the NRC has granted Entergy exemptions or repeated extensions from inspection requirements. Aged piping, welds and concrete at IP have been and continue to leak significant quantities of strontium, tritium and cesium into the groundwater and Hudson River. Yet, to date, all the leaks have not been identified, and are often only discovered when radioactive steam is discovered.

WIRING

There has never been an independent engineering confirmation that communication and electrical cables have been properly reconfigured to prevent fatal failure of safe shut down systems, which was identified in 2005 by a whistleblower.

ALTERNATIVES HAVE NOT BEEN CONSIDERED: WE CAN REPLACE THE ENERGY NOT THE LIVES

New York Power Authority's latest Reliability Needs Assessment (<http://bit.ly/TD5rSf>) from the ISO concluded that there is more than enough electricity available in the near future . "If Indian Point 2 closed at the end of 2012 (when its license expires) it would not be a problem," said ISO vice president Tom Rumsey.

The original NYPA contract with Entergy expires next year, Entergy's contribution to just 200 megawatts. ConEd's contract, which expires at the end of 2012, called for only 350 MW from Indian Point. ConEd will increase that to 500 megawatts in the contract expiring in 2017. The NYPA and ConEd agreements mean the twin nuclear power plants have only been contributing 5% of the regions' electricity and selling the rest through the ISO's marketplace. The shortfall can be made up by a combination of new generation, conservation, or new transmission which is already being sited and developed.

(<http://spoonsenergymatters.wordpress.com/2012/09/09/turning-off-indian-point-and-keeping-the-subways-running>)

GLOBAL WARMING

The effects of global warming have not been considered, including rising sea level, increasing severe storms, flooding, and increasing salinity. Currently, Indian Point thermally pollutes 2.5 billions of gallons of Hudson River water every day for cooling. This seriously impacts still declining fish population and some endangered species.

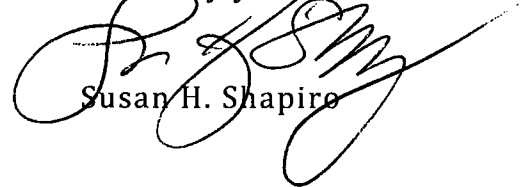
HEALTH IMPACTS AND COSTS

Based on the CDRC and New York State Cancer registry, significantly higher than average cancer rates and other health impacts in four counties surrounding Indian Point, i.e. thyroid cancers, childhood leukemia, breast, prostate, have been found. The health care costs due to the permitted releases and leaks has not been considered.

I, respectfully, remain hopeful that the NRC Licensing Board Judges and NRC Commissioners will not grant Indian Point a new superseding 20 year license to operate, since it is a risk to the taxpayers and the American economy that is not worth taking.

The NRC has two responsibilities: one, to protect public health and safety and; the two, to protect the nuclear business. Relicensing Indian Point is detrimental to both of these responsibilities. If something goes wrong at Indian Point, it will surely be the end of the nuclear industry, and it will cause a major national health and financial crisis, from which the United States may never recover. Granting Indian Point a new 20 year license would be arbitrary and capricious, and endangers Homeland Security.

Sincerely yours,



Susan H. Shapiro