



**RIVERKEEPER.**

NY's clean water advocate

March 21, 2011

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Re: Indian Point nuclear power facility

Dear Governor Cuomo:

Riverkeeper appreciates the direct and constructive way in which your administration is addressing the status of the Indian Point nuclear power facility in Buchanan, New York in the wake of the tragic accident at the Fukushima Daiichi nuclear installation in Japan and the emergence of a report by the Nuclear Regulatory Commission demonstrating that Indian Point faces a greater risk of core damage due to earthquake than any other nuclear power plant in America.

I understand that members of your administration will meet with the Nuclear Regulatory Commission tomorrow to discuss these very serious issues. Below are a number of questions that I believe the people living in the area around the Indian Point plant will want to know the answers to and which I request your representatives address to the NRC at tomorrow's meeting. Further, I hope you will call upon the NRC to make the answers to these questions publicly available, given the overwhelming interest and concern now focused on this plant. Finally, given the earthquake risk we now know to be associated the Indian Point nuclear power facility, its age and poor operating record, and its close proximity to more people than any other nuclear plant in America, I urge you to continue to push for Indian Point to close.

I. Questions for NRC about its staff's and Columbia University's recent findings that there is serious risk of core damage at Indian Point due to earthquake:

What will NRC do to investigate Indian Point's safety in the wake of its own September 2010 finding that this is the most at risk plant in the country for core damage due to earthquake? When will this investigation begin and will you provide for objective, independent peer review and full public participation to assure both a strong investigation and a credible one?

Indian Point is telling the press they can withstand a 6.1 earthquake, even though

they've previously reported that they believe the magnitude of quake predicted to be in the range of 1.0 to 3.0 on the Richter scale. Have they supplied any reliable documentary evidence to NRC in support their recent statements? Has NRC reviewed the accuracy of IP's claim? Has Indian Point indicated what its newly-announced "30-day safety review" will involve?

On what did NRC's spokesman base his statement, Friday, that all US nuclear facilities have a margin for safety on earthquakes, including Indian Point? Given that Columbia University has identified the risk of a 7.0 magnitude; that Indian Point says it can handle no larger than a 6.1 quake; and, that NRC's own September 2010 report identifies Indian Point as the most at risk plant in the country for core damage due to earthquake, your spokesman's statement seems hard to square with the available evidence.

## II. Questions about the infeasibility of evacuation in the event of a disaster:

In the wake of NRC Chairman Gregory B. Jaczko's directive for all Americans within 50 miles of the Fukushima plant to evacuate the area, will you evaluate the feasibility of evacuating the 20 million Americans who live within 50 miles of Indian Point? If it cannot be proved that such an evacuation can be done under a range of reasonable scenarios for possible prevailing conditions at the time of emergency [Indian Point's emergency preparedness drills do not even cover earthquakes], does this constitute grounds for closure of Indian Point?

Former FEMA Director James Lee Witt concluded, in a 2003 report prepared for then-Governor of New York George Pataki, that Indian Point's evacuation plan:

- Does not provide for structures and systems to protect from radiation exposure;
- Does not adequately consider the ramifications of a terrorist caused event;
- Fails to come to grips with the possibility or impacts of a spontaneous evacuation [as has happened in Japan];
- Does not deal with the likelihood that people will act in what they perceive to be their best interests, not in a manner consistent with IP's emergency plan [e.g., picking up their children from school despite the plan's prohibition on doing so]; and,
- Fails to deal adequately with the challenge of evacuating elderly or infirm persons from within the evacuation zone [which has been a significant problem in Japan].

Have you analyzed these conclusions; will you make your analysis public; and, will you provide for consideration of these issues in the relicensing hearing?

What about the two large, highly-pressurized natural-gas lines that run within 150 meters of critical Indian Point structures? Are the risks of explosion from corrosion, sabotage or earthquake fully taken into account in Indian Point's emergency planning?

Does the NRC's current offsite emergency plan with FEMA fully address the risk

of contaminated foodstuffs being found beyond the 50-mile peak ingestion zone?

III. Questions associated with Indian Point's age and operational problems:

Given Indian Point's age and numerous serious operational problems, including an unusual number of unplanned shut-downs; two major transformer fires; leaks from corroded pipes and refueling areas; and overloaded and leaking spent fuel pools, isn't the plant's ability to withstand an earthquake or other disaster further compromised?

Will the NRC consider both the plant's design and its present condition in assessing the risk due to earthquake? Given that Indian Point has failed to repair its leaking refueling cavity since 1993, has the NRC considered Indian Point's questionable level of corporate responsibility as a factor in the relicensing process?

How can NRC not take these serious problems into account in its re-licensing process? Indeed, don't they require consideration as to whether continued operation of the plant can be considered in the public interest?

IV. Questions associated with the relicensing process and whether there are grounds for immediate closure of Indian Point:

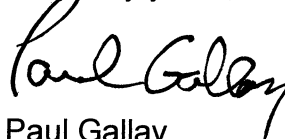
Will you issue a waiver of the license renewal regulations in order to allow all of the issues and studies referred to above to be adjudicated in the relicensing hearing for Indian Point?

What is the NRC's authority to require closure of a licensed nuclear plant? On what basis could such an action be taken? Has NRC carefully considered whether Indian Point meets this standard for closure? Has NRC carefully considered whether the issues referred to above provide grounds for denial of relicensing?

\* \* \*

Thank you very much for your kind consideration of this letter and your deep concern for the safety of our region. I would appreciate the opportunity for further discussions with you or your staff following the meeting with the NRC.

Very truly yours,



Paul Gallay  
Executive Director and  
Hudson Riverkeeper