



## RIVERKEEPER.

September 14, 2007

Office of the Secretary  
Annette L. Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, Maryland 20852-2738  
VIA FACSIMILE AND ELECTRONIC MAIL

Re: Request to Commission for 60-day extension of time to file hearing requests and petitions to intervene in Indian Point license renewal proceeding, Docket Nos. 50-247 and 50-286.

Dear Secretary Vietti-Cook:

Riverkeeper respectfully requests a 60-day extension in which to file a hearing request and petition to intervene in the above-referenced license renewal proceeding. Riverkeeper also supports the recent extension requests filed by the New York State Department of Environmental Conservation (DEC) and four members of New York's Congressional delegation.<sup>1</sup> Indian Point's license renewal application was filed on April 23, 2007 and docketed for review on August 1, 2007. (See 72 FR 42134, August 1, 2007). According to NRC guidelines regarding the computation of time, petitions to intervene and hearing requests must be received by October 1, 2007.

Riverkeeper understands that the Commission has considerable discretion to either grant or deny these types of requests. We therefore urge the Commission in the strongest terms to carefully consider the circumstances which gave rise to these requests, and grant the extension of time for all parties to prepare for this proceeding.

Our goal in participating in this proceeding is to ensure that our members, the citizens of New York and the general public are provided all the facts regarding the future operation of Indian Point in a proceeding that is transparent, informative and based on accurate and credible scientific and legal grounds. The full participation of the New York State DEC is critical in this respect, given the DEC Staff's scientific and environmental expertise. Due to an unforeseen emergency, the lead counsel for DEC was unable to continue coordinating the state's response for over a week, resulting in significant delay in the agency's preparations. On this basis alone, the Commission would be well justified in granting an extension of time. Furthermore, postponing the filing deadline until November 30, 2007 would not prejudice Entergy's rights in this proceeding, nor would it add significantly to a review process that the NRC estimates will last two to three years.

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<sup>1</sup> September 11, 2007 letter from Alison Crocker, DEC General Counsel to NRC Chairman Dale Klein requesting 60-day filing extension, and September 7, 2007 letter from Congresswoman Nita M. Lowey and Congressmen Eliot Engel, Maurice Hinchey and John Hall to Chairman Klein requesting 60-day extension for intervenor petitions.

There are additional factors that mitigate for the granting of this request. As the Congressional Representatives stated in their letter, ongoing concerns over the safe operation of IP2 and 3, new information regarding potential sources of the spent fuel pool leaks, and the unending series of delays implementing the new siren system all require significant time and attention from both state officials and stakeholder groups such as Riverkeeper, which has been involved in the siren issue since filing a §2.206 petition with NRC in 2005.

In addition, the *Journal News* reported on Friday, September 7, 2007 that Entergy workers had discovered a "pinhole" leak in the IP2 fuel transfer canal, possibly confirming the existence of an ongoing leak from that reactor's spent fuel pool. This is important new information that bears directly on an issue that is within the scope of license renewal. Entergy included an assessment of the environmental impacts of these leaks in their Environmental Report that relied on their assertion that the IP2 pool had not actually leaked since 1992. In addition, the spent fuel pools are passive structures that fall within the scope of Entergy's aging management program for license renewal. It would be far more efficient for the Commission to allow additional time at the beginning of this proceeding for petitioners to evaluate this information, rather than requiring it to be introduced later as a new or amended contention after the petitions have been submitted. Such a requirement would doubtless result in additional administrative litigation and delay.

Finally, the difficulty of obtaining documents from the NRC's ADAMS database in a timely or efficient manner is well known to both NRC Staff, state officials and stakeholder groups. Since Entergy's application for Indian Point has become available, the ADAMS database has experienced numerous, repeated problems, ranging from complete inoperability to displaying links to .pdf documents that could not be opened or downloaded. While the NRC's Public Document Room staff is very helpful, there were instances where key documents could not be found at all. (See Riverkeeper's letter of July 26, 2007 to the Commission regarding the unavailability of NRC documents). These particular incidents were experienced by attorneys who are relatively well versed in the use of the ADAMS database. For an interested member of the general public who lacks the time or expertise to navigate through these difficulties, an extension of time can mean the difference between well-informed, accurate public participation and public feedback based on mistrust and frustration with the NRC's information sharing processes.

I urge you to consider these comments when deciding whether to grant this request, and to remember that the license renewal review of Indian Point presents a unique opportunity for the NRC to conduct a proceeding with the utmost attention to transparency and impartiality. Doing so will increase public confidence in the relicensing process. The high level of public scrutiny surrounding Indian Point's continued operation demands that the NRC provide New York State, stakeholder groups and the public with every opportunity to participate in this process.

Sincerely,



Dr. Lisa Rainwater  
Riverkeeper Policy Director

Cc: Bo Pham, Indian Point Project Manager