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VIA ELECTRONIC MAIL

September 4, 2009

Mario V. Bonaca
Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: September 10-12, 2009 ACRS Meeting to Discuss License Renewal Application and Final Safety Evaluation Report (SER) for the Indian Point Nuclear Generating Units 2 and 3

Dear Chairman Bonaca:

As you are aware, Riverkeeper submitted comments to the Advisory Committee on Reactor Safeguards (“ACRS”) on February 27, 2009, for consideration during the March 4, 2009 meeting of the ACRS Subcommittee on Plant License Renewal. Riverkeeper submitted additional comments to the ACRS on April 16, 2009 based on the discussions that ensued at the subcommittee meeting. Riverkeeper is appreciative that we were afforded the opportunity to participate in the meeting and provide our input for the ACRS’s consideration.

The upcoming meeting of the full ACRS, to be held on September 10-12, 2009, is scheduled to have discussions of the License Renewal Application (“LRA”) and Final Safety Evaluation Report (“FSER”) for Indian Point Nuclear Generating Units 2 and 3. As we approach this meeting, Riverkeeper continues to have the same safety related concerns as articulated in our previously submitted comments. Unfortunately, the Indian Point FSER has utterly failed to adequately address the serious issues Riverkeeper raised to the ACRS. In relation to the issues discussed in Riverkeeper’s letter dated February 27, 2009, i.e., inadequate assessments of metal fatigue and flow-accelerated corrosion,¹ the FSER contains analyses identical to the deficient assessments in the Indian Point Safety Evaluation Report with Open Items (“SER with Open Items”). Riverkeeper’s second letter to the ACRS, dated April 16, 2009, discussed several concerns related to the spent fuel pool leaks at Indian Point. As discussed more fully in the aforementioned letter, the NRC Staff had even acknowledged some of these concerns in the SER with Open Items and subsequent requests for

¹ Riverkeeper’s comments also raised concerns about inadequate severe accident mitigation alternatives (“SAMA”) analysis. However, we recognize that the NRC’s assessment of SAMA is performed during the environmental review associated with the LRA, and, as such, is not considered in the FSER. Nevertheless, Riverkeeper remains concerned that the serious safety issues raised in our earlier comments related to SAMA are being improperly overlooked and would benefit from independent technical review by the ACRS.

additional information. However, the FSER has now closed out this issue without any meaningful resolution of the problems Riverkeeper, as well as the NRC Staff, had identified. Accordingly, the comments Riverkeeper has submitted to date to the ACRS remain entirely relevant to the ACRS's upcoming meeting.

Based upon conversations with the relevant Designated Federal Official, Mr. Peter Wen, it is Riverkeeper's understanding that our earlier comments have been or will have been provided to the committee members who will be participating at the September 10-12, 2009 ACRS meeting, and will be considered accordingly. Should this understanding be inaccurate, Riverkeeper would appreciate the opportunity to resubmit our comments for the full committee's consideration at the upcoming meeting. Furthermore, if there is any additional information that we may provide that would aid the ACRS's evaluation of the issues Riverkeeper has raised, please do not hesitate to let us know. Generally speaking, any clarification you can provide regarding how the ACRS may proceed in addressing Riverkeeper's concerns, such that we may properly prepare for the full committee meeting, would be most helpful.

Thank you again for allowing Riverkeeper the opportunity to remain engaged in the ACRS's review process. We continue to believe that feedback from the independent, technical perspective of the ACRS on the safety issues Riverkeeper has pointed to will greatly benefit the license renewal process.

Sincerely,



Deborah Brancato
Staff Attorney