

**From:** "Dave Lochbaum" <dlochbaum@ucsusa.org>  
**To:** <bjb@nrc.gov>  
**Date:** 10/27/03 12:36PM  
**Subject:** October 22, 2003, letter

Dear Mr. Benney:

I received the NRC's letter dated October 22, 2003, regarding our Indian Point petition. Some observations:

1) The second paragraph on page 4 contains the NRC's statement that no modifications to the containment sump at D C Cook were made. The NRC staff is very misleading, to the point of being deceitful, with this statement. There was a wall inside containment at D C Cook that prevented water from entering the containment sump. To fix this problem, holes were bored in the wall. So, it is true that no modifications were made to the containment sump at D C Cook but it is truer that the containment sump configuration was deficient at D C Cook and required physical modification to remedy. As we fairly pointed out in our petition, the ability to attain and maintain long term recirculation at D C Cook was suspect and the reason for the two-unit shut down. That same suspicion exists today at Indian Point and will remain until physical modifications are done there.

2) Pages 2 and 3 of the NRC's reply explain why the results of the Los Alamos parametric study cannot be applied to specific plants. Then page 5 details how the NRC staff used the results from the Los Alamos potential recovery study - also developed from generic data - to justify doing nothing. It's really amazing how generic studies that suggest problems can be dismissed by the NRC and generic studies that downplay problems can be embraced by the NRC. It would seem reasonable that generic studies either can be applied to specific plants or it cannot. But the NRC selectively uses generic studies as it sees fit to make safety problems go away. Not really good science, eh?

3) The NRC's lame excuses aside, at some point in the future, Indian Point will modify its containment sumps. How will NRC justify letting these reactors operate for so long in a degraded condition?

Thanks,

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