UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 4 2007

Honorable Maurice Hinchey
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hinchey:

Thank you for your letter of May 10, 2007 regarding the Indian Point Energy Center (IPEC) and tritium levels that have been reported in the facility's sewage system. Your letter requested that the U.S. Environmental Protection Agency (EPA) thoroughly investigate and remedy this situation.

In October 2006, based in part on recommendations by the New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH), as well as the U.S. Nuclear Regulatory Commission (NRC), radiation monitoring for the IPEC sewage system was increased from gross gamma radiation monitoring to include specific tritium analysis. Routine radiation sampling is also conducted at the Buchanan Sewage treatment plant.

The EPA Safe Drinking Water Act (SDWA) standard for tritium is 20,000 picoCuries per liter (pCi/l).[1] The limit for tritium discharge to a sewer system set by the NRC and the State of New York is 10 million pCi/l. The tritium levels that were observed from October 2006 through March 2007 ranged from about 4,000 pCi/l down to the non-detectable limit of the analytic method, which is somewhat less than 1,000 pCi/l. The April level encountered in the effluent sewage line of the IPEC Unit #3 was 8,000 pCi/l or about 40% of the EPA drinking water standard and the next subsequent measurement was about 1,000 pCi/l.

Groundwater under the IPEC site is contaminated with tritium, primarily resulting from leakage from the spent fuel pools used for the IPEC #1 and #2 units. Groundwater infiltration to sewage systems is not an uncommon occurrence and is the probable cause of the tritium levels observed in the IPEC sewer lines. Variance in these levels may be attributable to many factors including rainfall and its effect on groundwater levels. This is the subject of further study at the site.

[1]After a review several years ago, the EPA's Science Advisory Board recommended that the level should be increased to 80,000 pCi/l, because the current 20,000 pCi/l level was too conservative and not based on sound current scientific knowledge.

The spent fuel pool for IPEC #1 is scheduled to be taken out of service during the first quarter of 2008, with the spent fuel to be removed and relocated and the water in the pool to be processed. The IPEC #1 spent fuel pool is believed to be the most significant ongoing source for radionuclide groundwater contamination at the IPEC site and, indeed, may be the only source. Studies continue to be conducted to better understand the cause of the radionuclide contamination in the groundwater at the site, and to plan appropriate mitigation and remediation. The spent fuel pool for IPEC #2 is undergoing further testing. This work is scheduled to conclude by the end of December 2007. The goal of this testing is to assure that the pool is not leaking.[2] The spent fuel pool for IPEC #3 is continuously monitored and that monitoring indicates it is not leaking.

To summarize the situation, in terms of radionuclide concentrations the sewage discharge from the IPEC facility meets (indeed, is significantly better than) standards for potable water. Tritium levels in the sewage appear to range from less than 5% of EPA's drinking water standard, to one occurrence where tritium was measured at about 40% of that standard. We expect that the chief ongoing source for the tritium and other radionuclides observed in the groundwater should be removed or remedied in about one year. Further studies continue to look at the groundwater under the IPEC site and the occurrence of radionuclide contamination.

All of the information that I have provided above was obtained by or for the regulatory agencies identified above. These or related data have been discussed most recently at forums hosted by the NRC. Specifically, they were discussed on April 26, 2007 at a public meeting attended by NRC, the New York State agencies and EPA; and at a government-to-government meeting on March 20, 2007, at which EPA made a presentation that addressed the radionuclide groundwater situation. Further, since December 2005 there have been conference calls held twice weekly with NRC, NYSDEC, and the facility owner. Biweekly conference calls with the various involved stakeholders are also held and are open to you and your staffs. In addition to these scheduled meetings and calls, there have been numerous calls and meetings that have included a larger sphere of expertise including the U.S. Geological Survey, the U.S. Federal Emergency Management Agency, and fishery biologists from New York State.

In reviewing these data and the interactions between EPA and its sister federal and state agencies, I believe that EPA is participating in the most productive and useful way we can, and I am unaware of anything we could do to make these investigations more thorough. Studies have been performed and are continuing to be performed to assure a full understanding of this matter. Based on these studies and coordination with the regulatory agencies, a remedy has already been scheduled, and the ongoing studies can be expected to identify any additional remedial work that may be needed.

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[2]There was a release from this spent fuel pool in the 1990s when there was a breach of that pool's liner, a situation that has been corrected.

In your letter you write that "people living near the power plant may have already been exposed to dangerous materials". I respectfully disagree considering that the radionuclide levels leaving the IPEC sewage system are well below the standards for potable drinking water, You also write that "...EPA has claimed that the NRC has sole jurisdiction and has not acted." This is not accurate. As we have previously asserted, NRC and the State share various regulatory responsibilities for the IPEC site, and have acted aggressively and appropriately. The jurisdiction of NRC is derived from the Atomic Energy Act of 1954 as subsequently amended. NRC and state actions have resulted in a scheduled remedy for the situation, even though health-based standards have not been contravened.

EPA believes that the NRC has the authority and expertise to fulfill the role of independent regulator of nuclear power. As explained at the March 20, 2007 meeting, NRC has applied extensive expertise to the review and regulation of the IPEC facility. We note that NRC has actually increased its regulatory review of the facility since that meeting, based on occurrences unrelated to this matter.

If you have any further questions or need additional assistance, please let me know or your staff may contact Peter B. Brandt, Chief for Intergovernmental and Community Affairs, at (212) 637-3657.

Sincerely,

Alan J. Steinberg

Alan J. Steinberg
Regional Administrator