

IPRenewal NPEmails

From: John J. Sipos [John.Sipos@ag.ny.gov]
Sent: Saturday, April 27, 2013 10:49 PM
To: Bladey, Cindy; Wentzel, Michael; Green, Kimberly; IndianPointEIS Resource
Subject: Indian Point Unit 2 & Unit 3, Review of Environmental Impacts, Docket Nos. 50-247-LR & 50-286-LR; Docket ID NRC-2008-0672
Attachments: 2013 04 27 supplemental comment.pdf

Dear NRC Staff:

Attached please find supplemental comments submitted by the State of New York Office of the Attorney General concerning NRC Staff's review of environmental impacts associated with the requested renewal of the operating licenses for Indian Point Unit 2 and Unit 3.

Please do not hesitate to contact me if you have any questions. I anticipate being in the office next week.

Respectfully submitted,

John Sipos,
April 27, 2013

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STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL SUPPLEMENTAL COMMENTS
CONCERNING DEFICIENCIES IN THE REVIEW OF ENVIRONMENTAL IMPACTS
CONDUCTED BY THE STAFF OF THE NUCLEAR REGULATORY COMMISSION
FOR THE PROPOSED RENEWAL OF THE OPERATING LICENSES FOR
INDIAN POINT UNIT 2 AND INDIAN POINT UNIT 3, BUCHANAN, NEW YORK

DOCKET NOS. 50-247-LR/50-286-LR

DOCKET ID NRC-2008-0672

SUBMITTED: APRIL 27, 2013

NOTE ABOUT CITATIONS AND REFERENCES CONTAINED IN THIS DOCUMENT

ALL CITATIONS AND REFERENCES MENTIONED IN THIS DOCUMENT ARE HEREBY INCORPORATED BY REFERENCE. SHOULD NRC STAFF HAVE DIFFICULTY OBTAINING ANY SUCH CITATIONS AND REFERENCES, THEY ARE REQUESTED TO CONTACT THE OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF NEW YORK FOR ASSISTANCE.

Pursuant to the National Environmental Policy Act (NEPA), NRC Staff is supplementing its examination of the environmental impacts of the issuance of proposed operating licenses for Indian Point Unit 2 and Indian Point Unit 3 facilities. 77 Fed. Reg. 16278 (March 20, 2012).

During NRC's March 2013 Regulatory Information Conference (RIC), a presentation by the Director of NRC's Research Office noted that the MACCS2 computer code used to examine severe accidents lacks the ability to analyze the impacts to water resources and the environment resulting from aqueous radiological releases accompanying such an accident. *International Session – Post-Fukushima Research*, Brian Sheron, Director, NRC Office of Nuclear Regulatory Research (March 13, 2013) (not yet available or retrievable on public ADAMS).¹ The slide presentation includes these statements:

- Aqueous releases occurred during the Fukushima accident
- Current models do not address aqueous release pathways

Id., at 7. The term “current models” refers to computer codes such as MACCS2, which Entergy and NRC Staff used to analyze severe accidents in connection with the applications for renewed operating licenses for the Indian Point facilities.

Moreover, in recent weeks, there have been news reports that radiological aqueous releases have continued at the Fukushima site. Although these releases have not been reflected yet in publically-available NRC documents, according to news articles, the receptacles holding radiation-contaminated fluids at the Fukushima site have leaked and have released radiological material to the environment. See, e.g., *Damaged Nuclear Plant in Japan Leaks Toxic Water*, Martin Fackler, New York Times (April 6, 2013); *Japan Nuclear Plant Finds New Leaks*, Mari Iwata, Wall Street Journal (April 7, 2013); *Nuclear Plant in Japan Has Leak in Other Tank*, Hiroko Tabuchi, New York Times (April 9, 2013); *Fukushima Nuclear Plant is Still Unstable, Japanese Official Says*, Hiroko Tabuchi, New York Times (April 10, 2013).

At present, NRC Staff has not analyzed the environmental impacts of radioactive aqueous releases flowing from and following an accident at the Indian Point facilities. That omission is inconsistent with NEPA. Similar radioactive aqueous releases at Indian Point could have a significant impact on the Hudson River and nearby waters. The State of New York requests that the Staff's review of the environmental impacts recognize this issue and include an analysis of the environmental impacts resulting from such aqueous releases as well as the means to mitigate or eliminate the environmental impacts resulting from such aqueous releases.

Respectfully submitted,

John Sipos
Assistant Attorney General
State of New York
April 27, 2013

¹ The document is available at <https://ric.nrc-gateway.gov/m/Docs/Abstracts/sheronb-rev1-hv-w15.pdf>.