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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Program Management, Announcements and Editing Staff

Subject: Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3; Post-Shutdown Decommissioning Activities Report
Docket ID: NRC-2021-0125

To whom it may concern,

The State of New York has reviewed the Holtec Decommissioning International Post-Shutdown Decommissioning Activities Report (PSDAR) and Decommissioning Cost Estimate (DCE) for Indian Point Nuclear Generating Station Units 1, 2 and 3 and spent fuel storage installation (collectively known as the Indian Point Energy Center or IPEC), dated December 19, 2019, which the NRC noticed for public comment in Federal Register 86 FR333 83 on June 24, 2021. The State offers the following which represent the combined comments of the New York State Energy Research and Development Authority and the New York State Department of Environmental Conservation.

As an initial matter, the State supports the PSDAR's commitment to DECON, the decommissioning approach that provides for expedited decommissioning, and appreciates that DECON is already underway at the site. The State did file a request for a hearing and petition to intervene challenging the proposed IPEC license transfer on February 12, 2020¹ due to concerns related to the PSDAR and DCE in the areas of regulatory exemptions, financial qualifications, adequate decommissioning funding assurance, the presence of two aging, high-pressure natural gas transmission lines crossing the Indian Point site, assumptions related to the duration of spent fuel storage onsite, and the likely existence of additional radiological and non-radiological contamination and resulting remediation cost. The NRC denied the State's request for hearing. Certain of the concerns presented therein remain unaddressed by the NRC, although through the execution of an Administrative Order on Consent issued by the Department of Environmental Conservation and an order

¹ ADAMS Accession No. ML20043E118

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of the New York State Public Service Commission accepting a settlement² agreed upon by the licensee, state agencies, and stakeholders after a public comment opportunity, many of the concerns expressed in the Petition have been resolved directly between the State and the licensee.

The PSDAR was submitted in December 2019. Nearly two years have passed since that time, allowing Holtec to gain a good deal of decommissioning experience through its ongoing decommissioning work at the Oyster Creek and Pilgrim nuclear sites in New Jersey and Massachusetts, respectively. In various forums, Holtec has alluded to great success in decommissioning at Oyster Creek and Pilgrim with improved efficiency, activities completed ahead of schedule, and implementation of state-of-the-art programs, etc. Indeed, the prospect of such success was broadly used by Holtec as a selling point its stakeholder outreach as it sought to purchase the Indian Point site. Disclosure of lessons-learned at other sites and how they will impact the decommissioning activities at Indian Point should be a part of Holtec's continuing outreach and communications. The PSDAR should reflect the lessons-learned and operational efficiencies achieved at Oyster Creek and Pilgrim.

We also offer the following section-specific comments:

1. Section 2.4.10, Site Restoration

This section states that above-ground structures will be removed to a nominal depth of three (3) feet below the surrounding grade level and that characterization surveys will then be performed. Has a contingency been accounted for in the event that the excavation required to be deeper in the areas where known tritium and Strontium 90 plumes exist? If so, at what interval will the excavation be analyzed (i.e. 1 sample / 1,000 cubic yards)? The NRC should have Holtec address these questions and uncertainties in the PSDAR.

2. Section 5.1.1.1, Onsite Land Use

Have safety plans been developed if barges are utilized for transportation of larger items? What radiological controls will be in place during barge transportation, especially through densely populated areas? The NRC should have Holtec address these questions and uncertainties in the PSDAR.

3. Section 5.1.1.2, Offsite Land Use

If dredging is required, will the material be analyzed and where will the material be stockpiled? What, if any, change to the schedule is estimated and what will the estimated total dose to the work force be if dredging is required? The NRC should have Holtec address these questions and uncertainties in the PSDAR.

² See ORDER ASSERTING JURISDICTION AND APPROVING AND ADOPTING JOINT PROPOSAL, Case 19-E-0730 - Joint Petition of Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; and Nuclear Asset Management Company, LLC for a Declaratory Ruling Disclaiming Jurisdiction Over or Abstaining from Review of the Proposed Transfers or, in the Alternative, an Order Approving the Proposed Transfers Pursuant to Section 70 of the New York Public Service Law, available at <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={58BE78ED-9EC8-413E-99F1-0879B9099650}>.

4. Decommissioning Cost Estimate (DCE), Section 3.2, Table 3-7

Table 3-7 of the DCE provides anticipated waste volumes for several classes of radioactive waste: Classes A, B, C, and Greater than Class C (GTCC). Absent from this breakdown are the projected volumes for Very Low-Level Waste (VLLW) and Mixed Waste, both of which are regulated under the Atomic Energy Act. It is not clear whether the VLLW and Mixed Waste volumes are included within the Class A figures or have simply been omitted along with their disposal costs. Disposal options for these categories of radioactive waste differ from those for Classes A, B, C and GTCC and provide options for lower cost disposal. If the volumes of VLLW and Mixed Waste are included in the Class A figure, it is not apparent how their lower disposal cost is accounted for in the DCE. While Table 3-1 does include a lump sum cost line item for management of "exempt waste and materials", it is not clear exactly what waste categories this includes. The NRC should have Holtec clarify the PSDAR and DCE to more clearly address VLLW and Mixed Waste disposal volumes and their contribution to decommissioning costs.

If you have any questions, you may contact me at (518) 862-1090 x3274.

Sincerely,

A handwritten signature in cursive script that reads "Alyse Peterson".

Alyse Peterson, P.E.
Senior Advisor

cc: Richard Guzman, NRC
Karl Sturzbecher, NRC
Zahira Curz Perez, NRC
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