

## IPRenewal NPEmails

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**From:** Wentzel, Michael  
**Sent:** Monday, March 28, 2016 1:20 PM  
**To:** martin.o'neill@morganlewis.com  
**Subject:** EPA Comment Letter  
**Attachments:** EPA Comment Letter - March 4, 2016.pdf

Martin,

Per our conversation, attached is the complete EPA comment letter. It is odd that EPA posted a copy of their letter with a page missing. If you have any other questions, please let me know.

Thanks,  
Mike

Michael Wentzel  
Project Manager  
NRR/DLR/RERP  
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**Hearing Identifier:** IndianPointUnits2and3NonPublic\_EX  
**Email Number:** 5455

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**Sent Date:** 3/28/2016 1:20:01 PM  
**Received Date:** 3/28/2016 1:20:02 PM  
**From:** Wentzel, Michael

**Created By:** Michael.Wentzel@nrc.gov

**Recipients:**  
"martin.o'neill@morganlewis.com" <martin.o'neill@morganlewis.com>  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MAR 04 2016

Cindy Bladey  
Chief, Rules, Announcements, and Directives Branch  
Office of Administration  
Mail Stop: OWFN-12-H08  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

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RULES AND DIRECTIVES  
BRANCH  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

RE: Docket ID NRC-2008-0672; Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3 – Draft Report for Comment (NUREG-1437, Supplement 38, Volume 5) - Rating EC-2

Dear Ms. Bladey:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency has reviewed the Nuclear Regulatory Commission's (NRC) Draft Second Supplement (CEQ#20150364), to the final supplemental environmental impact statement (EIS) for the proposed renewal of the operating licenses for the Indian Point Nuclear Generating Units Nos. 2 and 3 (IP2 and IP3). The Indian Point Energy Center (IPEC) is located in Westchester County in the Village of Buchanan, New York, approximately 24 miles north of New York City.

This supplement includes the NRC staff's evaluation of revised engineering project cost information for several accident mitigation alternatives; newly available aquatic impact information; the additional environmental issues associated with license renewal resulting from the June 2013 revision to Table B-1 in Appendix B to Subpart A of Title 10 of the Code of Federal Regulations Part 51 and NUREG-1437, *Generic Environmental Impact Statement for License Renewal of Nuclear Plants*; and incorporates the impact determinations of NUREG-2157, *Generic Environmental Impact Statement of Continued Storage of Spent Nuclear Fuel*, in accordance with the requirements in 10 DFR 51.23(b). Additionally, the supplement describes the re-initiation of consultation under Section 7 of the Endangered Species Act regarding the northern long-eared bat (*Myotis septentrionalis*).

In June 2013, the NRC revised its regulations regarding which environmental issues associated with license renewal are common to all plants and therefore should be analyzed in the Generic EIS and which should be analyzed in the plant-specific EISs. "Radionuclides released to groundwater" was added to the issues identified as those that do not lend themselves to generic consideration, and therefore is discussed in this Draft Second Supplement. While information is provided on this issue in the document, EPA has become aware of another tritium leak in the

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Add= M. Wentzel (m5wa)

vicinity of the IP2 fuel handling building through data collected from the monitoring wells on the Indian Point site. As of this writing, the exact source of this leak has not been determined. The facts that EPA has received indicate this leak was discovered pursuant to the Nuclear Energy Institute's (NEI) 07-07 guidance and the licensee's reporting thereof. Since NEI-07-07 guidance is being applied to the IPEC and used to assure that any release of radionuclides to the groundwater is discovered, reported, assessed and evaluated, EPA recommends that a more comprehensive discussion of NEI-07-07 and its application by the licensee be addressed in this second supplemental EIS to ensure the public is well informed especially given the recent operational difficulties at the facility.

EPA is aware that on February 29, 2016 the New York State Homeland Security and Emergency Services letter dated February 29, 2016 to the Secretary of the Federal Energy Regulatory Commission about a State investigation on the operational problems at IPEC and an independent safety risk analysis of Spectra Energy's Algonquin Incremental Market (AIM) project proximity to IPEC that the State agencies have been directed to undertake by the Governor. That information should be reviewed.

The facility's choice of a Ristroph screen and fish return was independently reviewed by federal and state agencies and determined to be a compliant intake structure pursuant to 316[b]. Regarding Section 4.0 of the Supplemental EIS that discusses new information for entrainment and impingement effects: Section 316(b) of the Clean Water Act requires that facilities with cooling water intake structures ensure that the location, design, construction, and capacity of the structures reflect the best technology available to minimize harmful impacts on the environment, specifically all stages of aquatic life, including early stages.

According to federal regulations at 40 CFR § 125.92, early stages of fish species, including eggs and larvae, must be included in the analysis of any potential impacts from the cooling water intake structure or thermal discharge from units IP2 and IP3. As you know, neither the continued operation of Units IP2 and IP3, nor the NRC license renewal for these units can result in impairment of the designated use of the Hudson River due to impacts on aquatic life, particularly for threatened or endangered species.

In addition, Section 5.14.12 compares total expected greenhouse gas emissions with projected state, U.S. and global greenhouse gas emissions. EPA does not recommend comparing project-level greenhouse gas emissions to total emissions in this way, as the comparison is not meaningful for decision makers. Climate change is a global problem resulting from the emissions of many individual sources that generate a large cumulative impact. These environmental impacts are best considered by using emissions as a proxy when comparing the proposal, alternatives and potential mitigation. EPA would also recommend adaptation and mitigation plans for any water level rise issues, particularly the storage of nuclear waste in casks on site.

EPA is rating this second supplement EC-2 (Environmental Concerns Information). Thank you for the opportunity to comment. If you have any questions, please call Lingard Knutson, Environmental Scientist at (212) 637-3747 or [Knutson.lingard@epa.gov](mailto:Knutson.lingard@epa.gov).

Sincerely yours,

A handwritten signature in cursive script, reading "Judy-Ann Mitchell".

Judy-Ann Mitchell, Chief  
Sustainability and Multimedia Programs Branch

Enclosure

**SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION**  
**Environmental Impact of the Action**

**LO-Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC-Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

**EO-Environmental Objections**

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU-Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1-Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2-Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

**Category 3-Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From: EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.↑↑