



NYSERDA

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January 9, 2019

Rich Guzman, Senior Project Manager
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
One White Flint North, 0-9C7
11555 Rockville Pike
Rockville, MD 20852-2738
Via electronic mail: Richard.Guzman@nrc.gov

Subject: Proposed License Amendment to Revise the Emergency Plan for the Indian Point Nuclear Site

Dear Mr. Guzman:

The State of New York has received Entergy's April 15, 2019 license amendment request to revise the Emergency Plan for the Indian Point facilities, which are located 24 miles north of New York City in Westchester County.

The New York State Division of Homeland Security and Emergency Services, the New York State Energy Research and Development Authority, and the New York State Department of Public Service have reviewed the proposal. Entergy proposes to reduce on-shift and augmented Emergency Response Organization staffing in stages following permanent cessation of power operations and permanent removal of nuclear fuel from the Indian Point Unit 2 and Unit 3 reactor vessels. The reductions are proposed to occur before the transfer of the spent nuclear fuel from the spent fuel pools into dry cask storage. The State of New York strenuously objects to that timing and proposal.

The Indian Point nuclear power and spent fuel storage facilities have the highest surrounding population of any nuclear power site in the country. The federal government approved the Indian Point site before there were siting regulations concerning issues such as the surrounding population within 50 miles, design basis threats, seismic hazards, waste storage, co-located energy infrastructure, or emergency planning. Relatedly, the federal government has not conducted a site-specific analysis of severe spent fuel pool accidents for the Indian Point spent fuel pools and the means to mitigate the impacts of such accidents on surrounding communities, nor has NRC conducted an analysis of an aircraft impact on the site's spent fuel pools. Over the years, spent nuclear

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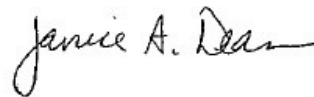
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fuel in the Indian Point Unit 2 and Indian Point Unit 3 pools has been re-racked so that those spent fuel pools hold 5 times the amount of spent fuel assemblies than they were initially designed to hold. NRC site emergency protocols recognize that an accident with dry storage casks pose less of a site emergency risk than do accidents with spent fuel pools. A spent fuel pool accident at Indian Point could have unique and devastating impacts on the New York metropolitan area, that would be unlike the impacts at any other site in the country. Accordingly, until such time that fuel from the reactors is secured in dry cask storage, and therefore any potential risk has been truly minimized, the State of New York's position is that all on-site and off-site emergency response capabilities should be maintained at current levels. This will ensure all necessary personnel, planning, resources, and tools are in place to protect New York citizens at and near the plants and spent fuel pool storage facilities.

If you have any questions or concerns, please contact Alyse Peterson at (518) 862-1090, x 3274.

Sincerely,

A handwritten signature in black ink that reads "Janice A. Dean". The signature is fluid and cursive, with a long horizontal stroke at the end.

Janice A. Dean
Deputy Counsel

On behalf of Alyse Peterson, P.E.
State Liaison Designee

cc: Alyse Peterson, Alyse.Peterson@nyserda.ny.gov
Doug Tifft, Doug.Tifft@nrc.gov