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Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

March 26, 2020

via email

David Skeen and Theresa Clark
Team Lead and Deputy Team Lead
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Evaluation Team on the Concerns Pertaining to Multiple Large-Diameter and High-Pressure
Interregional Gas Transmission Lines at the Indian Point Site in Westchester County, NY --
Docket Nos. 50-003, 50-247, 50-286

Dear Mr. Skeen and Ms. Clark:

On March 9, 2020, the New York State Department of Public Service (DPS) wrote a letter to Chair Svinicki of your agency and Chair Chatterjee of the Federal Energy Regulatory Commission (FERC) requesting a comprehensive and objective analysis of the risks posed by multiple larger-diameter and high-pressure gas transmission lines to employees and operations at the Indian Point nuclear site.

Since you are leading the Nuclear Regulatory Commission's (NRC) Evaluation Team on this matter, we have attached the March 9, 2020 letter for your awareness and consideration. Further, we call your attention to a June 22, 2018 letter from New York State that identifies several safety concerns about site-wide risks at Indian Point posed by the multiple Algonquin

pipelines that traverse the Indian Point site.¹ NRC did not respond to the New York State Agencies' concerns set out in the 2018 letter.

DPS has reviewed the team composition and areas of review for your Evaluation Team and recommends that the analysis and peer review include neutral, third-party subject matter experts. These neutral experts should come from beyond national laboratories with whom NRC frequently contracts with and who frequently support NRC objectives. As requested in the March 9, 2020 letter, DPS previously has recommended that the comprehensive, site-wide risk analysis be conducted under the National Academy of Sciences.²

For some time now, DPS has consistently maintained its demand that the responsible federal agencies immediately conduct a rigorous and comprehensive safety and risk analysis of all of the large diameter gas pipelines in the vicinity of Indian Point, including the AIM pipeline and the older Algonquin pipelines, and the risks they pose to Indian Point's work force, nuclear power plants, densely-packed spent fuel pools, and waste storage facilities. The analysis should be transparent and include peer-review by neutral third-party risk analysts with significant experience in gas explosions and severe radiological accidents.

Regarding the Evaluation Team's areas of review, specifically the review of the analyses by Entergy and NRC, DPS Staff urges your team to look for and consider what is missing from these reviews. Following the February 14, 2020 NRC Office of the Inspector General, OIG Report 16-024, your team must take a wider view of this issue. Limiting the review to simply the 2017 Algonquin Incremental Market pipeline segment is insufficient. It is essential that the people of New York State are provided a comprehensive and site-wide analysis of accident risks posed by all of the pipelines to the Indian Point facilities. The high-pressure and large-diameter 1952 and 1965 legacy gas pipelines at the Indian Point site must be taken into consideration. The risk analysis must also take into account: (1) the updated USGS seismic spectra for the Indian Point site and include this updated information in the analysis for gas transmission pipelines (individually and collectively) as well as the densely-packed spent fuel pools and other structures at the site; (2) the maximum pressure and inventory of gas in these transmission pipelines; and (3) conservative shut down sequences and times for these transmission lines.

It is also insufficient to limit the risk review to merely the ability to shut down the Indian Point Unit 3 reactor core. DPS recommends that your Evaluation Team address the risks posed by all of the pipelines to nuclear spent fuel storage and transfer, steam generator storage, and other decommissioning activities at the Indian Point Site. NRC site emergency protocols recognize that an accident with dry storage casks pose less of a site emergency risk than accidents with

¹ See June 22, 2018 letter from NYS Agencies to FERC, NRC, and PHMSA and attachment (*available at* LTR-18-0254 and NRC ADAMS ML18176A367).

² Following the September 11, 2001 attacks and the severe multi-unit accident at the Fukushima site, the National Academy of Sciences prepared reports on the storage of spent fuel. See, *e.g.*, National Research Council, Safety and Security of Commercial Spent Nuclear Fuel Storage - Public Report, National Academies Press (2006) ISBN: 978-0-309-09647-8

spent fuel pools. DPS notes that the original purpose of the spent fuel pools built during Unit 2 and Unit 3 construction is vastly different from how these spent fuel pools are used today. Over the years, spent nuclear fuel in the Unit 2 and Unit 3 pools has been re-racked so that those spent fuel pools now hold five times the amount of spent fuel assemblies they were initially designed to hold. A severe spent fuel pool accident at Indian Point could have significant impacts on the surrounding area that would be unlike the impacts at any other nuclear site in the country. NRC owes the citizens of New York State an objective and thorough answer on this important subject.

Lastly, the Evaluation Plan includes a line item to “coordinate with relevant Federal and State agencies.” DPS welcomes this interaction and we await your communication. Please contact Bridget Frymire at bridget.frymire@dps.ny.gov in this regard or if you have questions.

Respectfully submitted,

s/ John Sipos

John Sipos
Office of General Counsel

s/ Bridget Frymire

Bridget Frymire
Office of Resilience & Emergency Preparedness

Copies to:

Doug Tift, NRC Region 1

Enclosure:

1. March 9, 2020 New York State DPS letter to FERC & NRC (not yet posted on ADAMS)

References:

1. June 22, 2018 New York State cover letter to FERC, NRC & PHMSA (and executive summary) (*available at* NRC ADAMS ML18176A367)

enclosure
(as indicated)



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The Honorable Svinicki, Chair
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

The Honorable Neil Chatterjee, Chair
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

March 09, 2020

Re: NRC OIG Case No. 16-024
Concerns Pertaining to Gas Transmission Lines at the Indian Point Nuclear Power Plant
Docket Nos. 50-003, 50-247, 50-286

Dear Chair Svinicki and Chair Chatterjee:

The recent report by NRC's Office of the Inspector General (NRC IG) in the above referenced matter raises significant concerns about NRC's risk analyses in support of FERC's approval of the Algonquin Incremental Market pipeline project – including concerns raised by the State. The New York State Department of Public Service (DPS) raised similar questions and concerns in a June 22, 2018 letter to the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, and the Pipeline Hazardous Materials Safety Administration. The letter raised specific concerns about NRC's analysis of the accident risks posed by large diameter gas transportation pipelines near the Indian Point nuclear power and waste storage facilities.

Among other things, New York State noted the limitations of the "ALOHA" software relied on by NRC and questioned its use at Indian Point and questioned the seismic risk parameters that were applied to the various gas transportation pipelines at Indian Point. In light of the pipelines' proximity to Indian Point's facilities, New York also provided several

recommendations regarding future operations, decommissioning, and decontamination at Indian Point. The State's questions and recommendations have not been answered.

Having co-located gas transportation pipelines and nuclear facilities, the federal agencies must conduct a comprehensive and site-wide analysis of accident risks posed by all of the pipelines to the Indian Point facilities. Such a comprehensive and site-specific risk analysis should be conducted with assistance from the National Academy of Sciences, objective and experienced severe nuclear accident analysts, and gas pipeline accident experts. The New York State Department of Public Service remains keenly interested in ensuring the integrity of safety studies and accident analyses involving the Indian Point Nuclear Power Station and stands ready to assist in such an objective, thorough third-party analysis.

In light of the NRC IG's report, DPS also hereby requests that the questions and concerns identified in the June 22, 2018 letter submitted by the State of New York to the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, and the Pipeline Hazardous Materials Safety Administration be addressed. The June 2018 letter raised issues with NRC's analysis of the accident risks posed by large diameter gas transportation pipelines near the Indian Point nuclear power and waste storage facilities. A copy of the June 22, 2018 letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John B. Rhodes".

John B. Rhodes
CEO

Enclosures (June 22, 2018 New York State cover letter to FERC, NRC, PHMSA)

cc: National Academy of Science