UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAR 1 1 2009

Chief, Rules Review and Directives Branch
Division of Administrative Services
U.S. Nuclear Regulatory Commission
Mail Stop TWB-05-B01
Washington, DC 20555-0001

Dear Sir or Madam: Rating: EC-2

In accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38 (draft SEIS) regarding Indian Point Nuclear Generating Unit Nos. 2 and 3 (Indian Point) (CEQ # 20080543). The proposed Federal action would renew for an additional 20 years the current operating licenses for Indian Point Generating Units Nos. 2 and 3, (IP2, IP3) which expire in September 2013 and December 2015 respectively.

Background

The draft SEIS was prepared as a plant specific supplement to the Nuclear Regulatory Commission's (NRC) 1996 Final Generic Environmental Impact Statement for the License Renewal of Nuclear Plants (GEIS). The GEIS was prepared to streamline the license renewal process on the premise that in general, the environmental impacts from relicensing nuclear power plants are similar. That GEIS proposed that NRC develop facility-specific SEIS documents for individual plants as the facilities apply for license renewal. EPA provided comments on the GEIS during the development process in 1992 and 1996.

Indian Point is located on approximately 239 acres of land in the Village of Buchanan in upper Westchester County, New York. Both IP2 and IP3 use Westinghouse pressurized-water reactors and nuclear steam supply systems. Primary and secondary plant cooling is provided by a once-through cooling water intake system that supplies cooling water from the Hudson River. IP2 and IP3 are each currently licensed to operate at a core power of 3216 megawatts thermal, combining to produce approximately 2158 megawatts electric. Both are refueled on a 24 month schedule. Indian Point Unit 1, which is not subject to this licensing action, is located between IP2 and IP3, but was shutdown on October 31, 1974 and has been placed in a safe storage condition awaiting final decommissioning.

EPA's comments are as follows:

Aquatic Resources

EPA understands NRC's weight of evidence assessment which indicates that potential impacts from impingement and entrainment can be SMALL to LARGE, depending on the species. We also agree with NRC staff conclusions that thermal impacts from IP2 and IP3 could range from SMALL to MODERATE. However, EPA believes that collection of new impingement/entrainment and thermal data would have provided NRC and others with the information necessary to determine the level of significance of impacts with more certainty, and to differentiate impacts between alternatives. Notwithstanding the wide range of potential impacts, it appears that the New York State Department of Environmental Conservation's State Pollutant Discharge Elimination System (SPDES) draft permit contains reasonable measures to quantify and minimize these impacts to the Hudson River.

Storage of Low Level Waste

With the closure of the Barnwell facility on July 1, 2008, to all but generators from the Atlantic Compact States (South Carolina, New Jersey and Connecticut), there is no disposal access for any Class B and C low-level radioactive waste from New York State generators, including nuclear power plants, other industrial, governmental, medical, and academic generators. On page 2-21 of the draft SEIS, Entergy asserts that it can safely store these low-level radioactive wastes in existing onsite buildings and that it is currently developing a comprehensive plan to address the potential need for long-term storage for Class B and C wastes. The final SEIS should indicate the date that the plan is expected to be completed and identify specifics such as location, shielding, duration, and security as deemed appropriate for disclosure.

Severe Accident Mitigation Alternatives (SAMAs)

Pages 5-9 and 5-10 of the draft SEIS note that some SAMAs were potentially cost beneficial, but need not be implemented as part of license renewal pursuant to 10 CFR 54. We urge Entergy to continue to refine and implement these alternatives as they appear to be cost beneficial and would mitigate the impact of a severe accident, should one occur.

Seismic Data

In our scoping comments of October 10, 2007, EPA requested that NRC include and analyze any new geologic or seismic information in the project area. It appears this information was not included in the draft SEIS. We recommend that new geologic and seismic data be included in the final SEIS particularly concerning seismic activity occurring in the northern New Jersey-New York metropolitan region in recent months.

Based on the review of the Indian Point draft SEIS, the EPA has rated the project and document "Environmental Concerns - insufficient information" (EC-2). We have concerns regarding the impacts associated with entrainment and impingement of fish and shellfish, and a lack of new seismic data. Also, we recommend that the final SEIS address opportunities for pollution prevention and waste recycling.

We appreciate the opportunity to comment on the draft SEIS. Please call Lingard Knutson of my staff, at (212) 637-3747 if you have any questions.

Sincerely yours,

John Filippelli, Chief
Strategic Planning and Multi-Media Programs Branch