

United States Senate

WASHINGTON, DC 20510-3203

April 6, 2023

Chairman Christopher T. Hanson
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chair Hanson,

We write to express our significant concerns regarding Holtec Decommissioning International's (Holtec) decision to expedite its planned release of over one million gallons of radioactive wastewater from the Indian Point Energy Center (IPEC) into the Hudson River.

At the New York State Indian Point Decommissioning Oversight Board (DOB) meeting held on March 17, 2022, Holtec publicly announced its plans to discharge roughly 1.3 million gallons of processed wastewater from IPEC's Spent Fuel Pools and the Reactor Water Storage Tanks (RWST) from IPEC Units 2 and 3 into the Hudson River.¹ During the same meeting, Holtec also described its intent to discharge radioactive water generated by the North Curtain Drain System from IPEC's former Unit 1 Spent Fuel Pool.² These plans were further detailed at the most recent DOB meeting on February 2, 2023, during which Holtec announced that it would begin releasing Unit 2's spent fuel water in "late August, early September" of this year.³

In the time since the most recent DOB meeting, our offices have received hundreds of questions and concerns from our constituents in the Hudson Valley communities surrounding Indian Point, and beyond, opposing Holtec's proposed release. We share many of these questions and concerns, and have engaged in frequent discussions with the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the State of New York, and local officials to ensure that they are addressed. In these discussions, we have been operating under the assumption that Holtec would not begin releasing processed wastewater until late summer, per its stated timeline. However, just yesterday, we were informed that Holtec announced that it intends to conduct a partial dewatering of the Unit 2 Spent Fuel Pool no earlier than May 4, 2023, with the

¹ HDI, IPEC Decommissioning Update, Matter No. 21-01188 slide 20 (Mar. 17, 2022), <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={F137844E-0FA1-448E-AFD9-937B2B20DE23}>}.
² *Id.* at 19.

³ DOB, DOB Transcript 2-2-23, Matter No. 21-01188 p.143 (Mar. 7, 2023), https://www.google.com/url?q=https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId%3D%7B05BBC86-0000-C51D-B273-EF6A94536F09%7D&sa=D&source=docs&ust=1680729415933593&usg=AOvVaw36BYJC_hZUzd0JmOUeBWYy.

discharges to occur in the subsequent weeks in May.⁴ This sudden announcement (which Holtec failed to previously disclose during several recent conversations about its planned release schedule for the Unit 2 Spent Fuel Pool) shocked the community and will only increase public opposition and distrust during the decommissioning process.

As you know from our frequent discussions, the Hudson River serves as the primary drinking water source for seven municipalities with others relying on it as a backup source. Especially during the upcoming warmer months and into the fall, the Hudson is also a prime destination for fishing, boating, and tourism. Yet, as Holtec continues with its upcoming plans to discharge radioactive water into the Hudson, far too many of the communities defined by the river have been left in the dark. As many of these stakeholders continue to seek answers from the NRC, EPA, and other regulators charged with oversight during IPEC's decommissioning, the public deserves to know what will be in the water Holtec plans to release into the river.

During IPEC's years as an operating nuclear plant, the highest level of tritium (a monitored radionuclide) recorded by the NYS Department of Health (NYSDOH) occurred when "Unit 3 operators processed high volumes of water" in early March of 2009.⁵ Although the "discharge was well below allowable limits," at a recorded 3,800 pCi/L of tritium, this well-documented reading at Indian Point's Discharge Canal (Site Number #5941-001) being attributed to a higher volume of water is a cause for concern when Holtec is about to release large volumes of water.⁶ Disturbingly, in 2009, higher levels of tritium were also detected at other NYSDOH radiation surveillance monitoring locations in communities along the Hudson River.

In addition to a lack of information surrounding the nature and characterization of the wastewater, various stakeholders have also asked for greater NRC oversight given their distrust in Holtec. During the NRC's most recent inspection, without an adequate radiation survey, Holtec took an NRC inspector into one of Unit 2's Waste Hold-Up Tanks, a place with notoriously high dose rates, which was highly contaminated, "despite the expected presence of radionuclides in the plant mixture" and knowing that "tritium was present."⁷ Holtec's apparent disregard for the safety of the workers on site, as documented in this and prior violations, is extremely concerning.

Moreover, this violation highlights the company's lack of transparency and clear communication with the public. The Waste Hold-Up Tank issue within Unit 2's Rad Waste Treatment System was first reported by Holtec in May of 2022, yet this safety violation was only brought to the public's attention almost a year later. This means that as Holtec continued to reiterate its plans to release radioactive water from Unit 2 into the Hudson River, impacted communities were in the dark about an ongoing issue within the same system that will be used to treat the radioactive wastewater. As the NRC put it, "the Commission's radiological requirements in Part 20 should be by design and not fortuitous,"⁸ but, after this incident and other violations,

⁴ DOB, IP Discharge Notification (Apr. 4, 2023), [april-4-2023-ip-discharge-notification.pdf \(ny.gov\)](https://www.dob.ny.gov/press-releases/2023-04-04-ip-discharge-notification).

⁵ NYSDOH, Environmental Radiation Surveillance Indian Point Readings: Beginning 2009, (last updated Mar. 28, 2023), <https://health.data.ny.gov/Health/Environmental-Radiation-Surveillance-Indian-Point-/ge4k-996x>.

⁶ *Id.*

⁷ NRC, HOLTEC DECOMMISSIONING INTERNATIONAL, LLC, INDIAN POINT ENERGY CENTER UNITS 1, 2 AND 3 - NRC INSPECTION REPORT NOS. 05000003/2022004, 05000247/2022004, 05000286/2022004, AND 07200051/2022002, 9 (Mar. 13, 2023), <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML23047A154>.

⁸ *Id.*

what assurance does the public have that Holtec will do the right thing when it comes to decommissioning Indian Point?

For these reasons, we ask that you answer the below questions regarding the NRC's past, present, and future oversight at IPEC during its decommissioning:

1. Partial Dewatering of the Unit 2 Spent Fuel Pool.

- a. Was the NRC notified by Holtec that it now intends to conduct a partial dewatering of the Unit 2 spent fuel pool at or around May 4, 2023? If yes, when was the NRC notified?
- b. We understand that Holtec has agreed to let New York State obtain a sample of the treated water to be discharged so the contents of the water can be independently verified. Is the NRC planning on having a similar role as well? If not, can the NRC conduct such sampling and verification?

2. Inspections. We understand that NRC Inspection reports are routinely issued quarterly, and that three on-site decommissioning inspections and two on-site Independent Spent Fuel Storage Installation dry cask inspections took place during the 1st quarter of 2023.

- a. During inspections, does the NRC independently review, inspect, or measure levels of radiation or pollutants within wastewater that is being processed through IPEC's Rad Waste Treatment System?
- b. How does the NRC follow up after a violation is found on-site?

3. Radioactive Effluent Releases. We know that annual Radioactive Effluent and Environmental Reports can be found on the NRC's [public website](#), with the next publicly available report due on May 1, 2023.

- a. Is there any instance where Holtec must notify the NRC when releasing radioactive wastewater through its discharge channel into the Hudson River? If no, why isn't Holtec required to notify the NRC in advance of effluent releases? To your knowledge, does the licensee notify any other federal or state agency prior to an effluent release?
- b. Why are effluent release reports submitted annually? Has there been any action or discussion related to changing the NRC public reporting requirements for licensees during decommissioning when additional activities are taking place?
- c. Besides formal annual reports, how often does the NRC monitor or verify Holtec's data regarding effluent releases and groundwater monitoring?
- d. Does the NRC plan on conducting additional evaluations of the environmental and public health impacts of releasing radioactive water from Indian Point into the Hudson River?

- e. Does the NRC know the composition of Holtec’s planned wastewater discharge this summer, including the total curies and concentration of tritium? If not, how can the NRC or Holtec accurately evaluate the environmental and public health impacts of the release prior to its proposed discharge?
- f. Has consideration been given to limiting the discharges to periods when swimming and recreational boating activity in the Hudson River is minimal? Similarly, has consideration been given to limiting the daily volume to ensure another high reading does not occur?

4. Inter-Agency Collaboration.

- a. How does the NRC work with the EPA to regulate Holtec’s proposed effluent releases?
- b. When was the last time the Interagency Steering Committee on Radiation Standards met? Has the committee discussed effluent releases in the context of decommissioning nuclear power plants?
- c. How does the NRC work with the New York State appointed on-site inspector at IPEC? How does it work with NYSDEC and NYSDOH?

5. Dose Limits and Other Regulations.

- a. When was the last time the NRC’s current dose limits for workers or members of the public was reviewed or changed?
- b. How long was the rulemaking process for the current limits?
- c. How often does the NRC evaluate potential changes that may be warranted for such dose limits?
- d. Does the dose limit take account of the potential for pregnant women and children to ingest the discharged water?

6. Communication and Transparency. We are aware that the NRC did not commit to holding any future public forums regarding Holtec and the decommissioning of Indian Point, as was recently requested by the New York State Department of Public Service and the DOB.⁹

- a. Will the NRC commit to sending a representative to the next DOB meeting on April 27, 2023? If this date doesn’t work, will the NRC commit to conducting one or more separate public meetings hosted by the federal delegation before Holtec begins releasing the wastewater in May?

⁹ John W. Lubinski, NRC Letter to DPS Regarding Public Forum Request, Matter No. 21-01188 p.2 (Mar. 2, 2023), <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={303EA986-0000-CB1B-BCB6-BB4F648A16EC}>.

- b.** What steps has the NRC taken to improve the public education and transparency concerns regarding future releases of radioactive water from Indian Point? Please also describe ways that other federal, state, and local governmental entities and elected representatives may be able to assist the NRC in these efforts going forward.

Due to the timeliness of this matter, we request a response no later than April 14, 2023. Should you have further questions or wish to discuss our requests in further detail, please do not hesitate to contact us. Thank you for your attention to this matter, and we look forward to receiving your timely response.

Sincerely,



Charles E. Schumer
U.S. Senator



Kirsten Gillibrand
U.S. Senator