



**Department of
Public Service**

Public Service Commission

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

September 19, 2022

VIA EMAIL

Hon. Michelle L. Phillips
Secretary to the Commission
3 Empire State Plaza
Albany, NY 12223-1350

Re: Matter No. 21-01188 – In the Matter of the Indian Point Closure Task Force and Indian Point Decommissioning Oversight Board.

Dear Secretary Phillips:

Please accept for filing in the above-captioned matter, an update regarding New York State oversight of decommissioning activity at Indian Point. Should you have any questions regarding this filing, please contact me. Thank you.

Respectfully submitted,

Tom Kaczmarek
Executive Director
Indian Point Closure Task Force
Indian Point Decommissioning Oversight Board

Indian Point Tip Line

DPS Tip Line Info

- www.dps.ny.gov/iptips
- Email: IP.Tips@dps.ny.gov
- Phone: 518-486-1487
- [Webform](#)

The screenshot shows the "Indian Point Whistleblower Process" page on the New York State Department of Public Service website. The page includes a navigation menu with links for Services, News, Government, and COVID-19 Vaccine. Below the navigation, there are links for "Meet the Commissioners", "Electric", "Natural Gas", "Steam", "Telecommunications", "Water", and "Search". The main content area is titled "Indian Point Whistleblower Process" and contains the following sections:

- Disclaimer:** This webpage describes how an employee or subcontractor can raise a concern about potential wrongdoing occurring at, or related to, Indian Point. Filing a complaint to DPS as described below does not automatically grant whistleblower status. Please see below for further information.
- Oversight Authority:** Under Public Service Law, the New York Public Service Commission possesses general supervisory powers over electric plants and systems, structures, fuel and waste storage facilities, and fixtures and personal property. This includes Indian Point.
- Role of the Commission:** The Public Service Commission, through its administrative agency the Department of Public Service, conducts investigations of violations of Public Service Law.
- Why Is It Important to Raise a Concern?** The Department encourages persons to raise concerns of potential violations occurring at a facility by its owner, operator, employee, or subcontractor. Such concerns encompass health, safety, security, legal, financial, accounting, engineering, environmental, and policy matters. To raise a concern of public interest supports the submission of such reports which provide an opportunity to address conditions that can pose a threat to the public.
- How Do I Raise a Concern?** You can raise a concern in the following ways:
 1. Through the DPS website by clicking [here](#).
 2. By E-mail: Send e-mail to: IP.Tips@dps.ny.gov
 3. By Calling the Tip Line: 518-486-1487
 4. Through US Mail: New York State Department of Public Service, Office of Investigations and Enforcement, 3 Empire State Plaza



**Indian Point
Decommissioning
Oversight Board**

Indian Point Tip Line

- As of September 14, 2022, there has been only one phone call to the Indian Point Tip Line.
- The caller expressed a concern about water temperature in the Hudson River. DPS Staff investigated and determined that the condition described by the caller was unrelated to Indian Point decommissioning and, instead, was a generic estuary matter. DPS Staff conveyed that finding to the caller.



State and Local Oversight

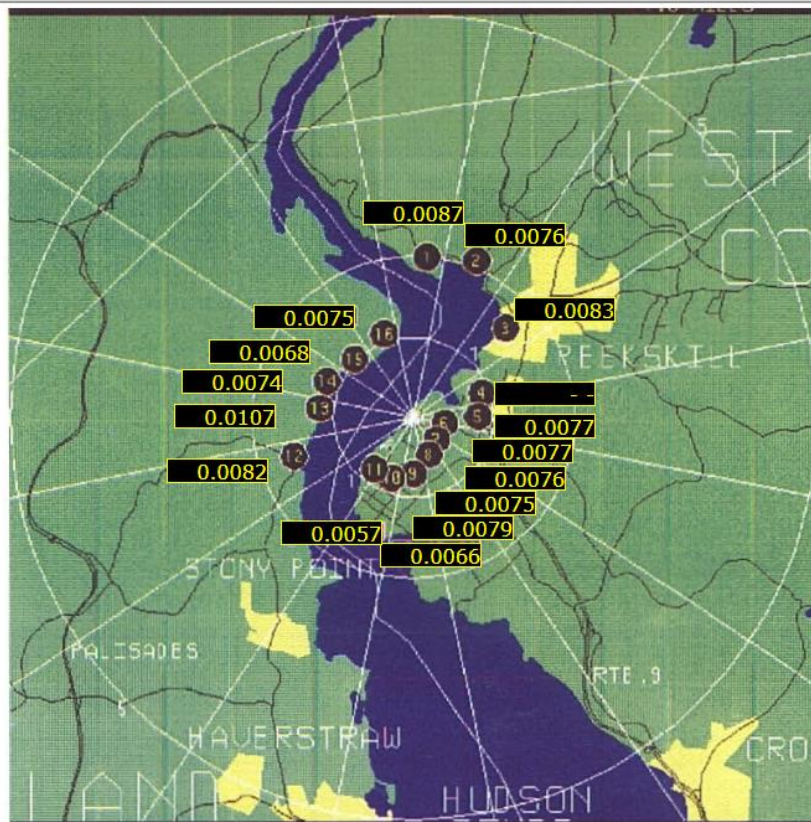
Monitoring Updates

- Continuous monitoring (15 second intervals)*
- Secure, closed data feed to County & State
- 16 monitors located near Indian Point site
- Monitoring program through spent fuel transfer (required under PSC Order 19-E-0730)
- Monitor Nos. 8 and 9 Approx. 1,200ft and 1,300ft from BV school

*Indian Point is one of only five US nuclear power plants with continuous radiation monitoring capability



Monitoring Updates



Offsite Radiation Monitors		
Current Time: 9/16/2022 1:05:32 PM		
TAGNAME	VALUE	TIMESTAMP
RADMON1.MID	0.0087	9/16/2022 1:01:02 PM
RADMON2.MID	0.0076	9/16/2022 1:01:02 PM
RADMON3.MID	0.0083	9/16/2022 1:01:02 PM
RADMON4.INS	--	9/16/2022 1:01:02 PM
RADMON5.MID	0.0077	9/16/2022 1:01:02 PM
RADMON6.MID	0.0077	9/16/2022 1:01:02 PM
RADMON7.MID	0.0076	9/16/2022 1:01:02 PM
RADMON8.MID	0.0075	9/16/2022 1:01:02 PM
RADMON9.MID	0.0079	9/16/2022 1:01:02 PM
RADMON10.MID	0.0066	9/16/2022 1:02:32 PM
RADMON11.MID	0.0057	9/16/2022 1:01:02 PM
RADMON12.MID	0.0082	9/16/2022 1:01:02 PM
RADMON13.MID	0.0107	9/16/2022 1:01:02 PM
RADMON14.MID	0.0074	9/16/2022 1:01:02 PM
RADMON15.MID	0.0068	9/16/2022 1:01:02 PM
RADMON16.MID	0.0075	9/16/2022 1:01:02 PM

R-S Monitor readings:
Friday, September 16, 2022

- Monitor readings within normal, or “background” range
- Monitor #4 is currently under repair
- NYS inspector in regular contact with Holtec to restore monitor in timely manner



**Indian Point
Decommissioning
Oversight Board**

DPS Oversight Activities

- Agency staff met with Holtec's investment team on 9/12/22 to review its stewardship of the decommissioning trust funds.
- Agency staff – including new State inspector – performed reviews of Holtec plans and filings, including:
 - License amendment requests (LARs) re: cyber security, post-shutdown emergency plan (PDEP)
 - Exemption requests re: allowable contents in HI-STORM casks and PDEP
 - Fire Protection Plan revision for incipient fire brigade.
 - Upcoming Demolition plans (including walkdown)
- Agency staff observed the off-site response gas pipeline table top exercise



DPS Oversight Activities – State Inspector

- Attended Holtec Morning Meetings, Holtec Management Review Meetings (associated with Corrective Action program)
- Notable on-site observations:
 - Fuel Transfer activities
 - New cask delivery to ISFSI pad
 - Unit 3 SFP truck bay wall drilling (with NRC) associated with new crane
- Tracking corrective actions associated with:
 - Industrial safety
 - Fuel Transfer



Project and Financial Reporting

- State regulators have been present at all Holtec monthly project meetings, and Holtec has provided the information required under the Joint Proposal at each meeting.
- Holtec reports that the project is thus far on schedule and under budget.
- DPS Staff received and reviewed Holtec's annual decommissioning funding status report. Holtec reports that it remains in compliance with its minimum trust fund balance obligations under the Joint Proposal.
- These submissions were further discussed at a recent review with State regulators.



Federal Engagement

- Holtec exemption & license amendment request for Permanently Defueled Emergency Plan (PDEP) -- will be discussed during emergency response presentation at September 22, 2022 meeting.
- Holtec exemption request for the allowable contents in HI-STORM dry cask storage containers. ML22083A191. State review complete with comments sent to NRC on August 1, 2022. ML22215A044.
- NRC Decommissioning Rulemaking. Comments were submitted in August 2022 by:
 - The New York State Department of Public Service;
 - New York State Energy Research and Development Authority (NYSERDA); and
 - Office of Attorney General (OAG)
- Holtec license amendment request to eliminate cyber security plan requirements. ML22140A126 State review is in progress.



DEC Oversight Activities

Administrative Consent Order Requirements

Citizen Participation Plan

- Ensures public involvement in review of work plans and remedial action plans.
- Status: Holtec submitted a revised CP plan in response to DEC comments. The revised plan is under review by DEC.

Scoping Work Plan

- Outlines the overall program of remedial investigation.
- Status: NYS DEC approved the Scoping Work Plan on August 11, 2022.



DEC Oversight Activities – Facility Permits

State Pollutant Discharge Elimination System (SPDES)

- SPDES # NY0004472 – Governs Discharges from Main Facility
 - Expired on April 30, 2022. Holtec submitted a timely renewal application. Facility continues to have coverage under the existing SPDES permit pursuant to the State Administrative Procedure Law.
 - NYSDEC undertaking a review of the permit application to determine if a permit modification is necessary.
 - Once NYSDEC review is complete, a **Draft SPDES Permit will be provided for public review and comment in accordance with NYSDEC regulations.**



DEC Oversight Activities – Facility Permits

SPDES # NY0250414 – Governs stormwater discharges from a transformer vault

- Permit expires 3/31/23. Holtec submitted a timely renewal application.
- Draft renewal Permit was noticed in the Environmental Notice Bulletin for a 30 day public comment period ending on September 9, 2022.
- Based on the nature and volume of discharge, this permit is eligible for an administrative renewal, with no permit changes.
- NYSDEC's Policy on Environmental Justice and Permitting (CP-29) does not apply to administrative renewals of SPDES permits, where no material changes to the existing permit are proposed.
- **This permit is separate and distinct from the more comprehensive facility SPDES permit (SPDES No. NY0004472).**



DEC Oversight Activities – Facility Permits

Major Oil Storage Facility License

- NYSDEC will oversee closure of all tanks on site in accordance with relevant regulations

Dust Mitigation

- State regulations establish certain standards applicable to demolition, including *6NYCRR Part 211.1 Air Pollution Prohibited*
- Village of Buchanan Demolition Permits issued to either Holtec or their contractors would require compliance with applicable state regulations
- NYS coordinating with Village, County to directly incorporate the State standards into demolition permit process.

