

NORTH COUNTY NEWS

<http://www.northcountynews.com/Apps/FullSize.aspx?articleid=1624>

Vol. 40, Number 49 12/06-12/12, 2006

NRC rejects Spano's relicensing petition **By Abby Luby**

A petition by Westchester County Executive Andrew Spano to broaden the scope to relicense the aging Indian Point nuclear power plants has been denied by the Nuclear Regulatory Commission.

Citing an inadequate evacuation plan in a densely populated area, repeated siren failures and numerous radioactive leaks, Spano urged the NRC over a year ago to "change the criteria for relicensing" to include health and safety issues.

"I am amazed that the Commission summarily rejected our petition, saying that the criteria they put in place in 1991 and clarified in 1995 remains adequate today," said Spano in a statement released earlier this week. "[The NRC] continues to insist that nothing has changed since that time. I guess they don't remember September 11th, nor do they think that a county whose population has increased by 100,000 since the plant was first sited makes any difference."

Two weeks ago Entergy announced that it was applying early to relicense both Unit 2 and Unit 3 for an additional 20 years. In a fanfare announcement for the Buchanan-based plants, plant owner Entergy was joined by former New York City Mayor Rudy Giuliani, hired to specifically oversee the relicensing process, and former Greenpeace activist Patrick Moore, now a strong proponent of nuclear power. The current 40-year licenses expire in 2013 for Unit 2 and 2015 for Unit 3.

In a lengthy response to Spano's petition, the NRC said that the proposed changes to the License Renewal Rule by Spano were "misguided and contrary to sound regulatory and public policy." The document went on to say the "Petitioner relies upon a fundamental misunderstanding or mischaracterization of the current license renewal process." The full response is available at <http://adamswebsearch.nrc.gov/scripts/rwisapi.dll/@pip1.env>.

Response from the hill

In an e-mailed response to the *North County News*, representative Eliot Engel (D-N.Y.) said, "The NRC is not taking into account the needs and safety of the millions of people who live in the New York metropolitan area. They must adapt to changing times. Now it is impossible to have a realistic evacuation plan."

Engel was joined by Congressman-elect John Hall. In a press release, Hall said, "I strenuously object to the NRC's decision.... My first request to the NRC is that they table Entergy's application for re-licensing Indian Point until the current leaks of radioactive strontium 90 and tritium have been located, stopped and contained, and the pool of radioactive material beneath the plant be removed before it seeps into the groundwater."

Hall has called for the Indian Point facility to be converted into a research and development center for safe, domestic, renewable forms of alternative energy.

Congresswoman Nita Lowey (D-N.Y.) actually introduced the Nuclear Power Licensing Reform Act (HR-3017). The proposed legislation would look at a nuclear power plant's vulnerabilities that would pose any unreasonable threats to people or the environment. Lowey's bill would also require existing evacuation plans for emergency events that have the approval by relevant federal agencies and states within 50 miles of the facility.

In an e-mailed statement, she said "I am committed to fighting the re-licensing of Indian Point by the Nuclear Regulatory Commission. Safety and security concerns must be addressed in this process." Lowey's statement also said that the input of first responders and local governments who would respond to emergencies at Indian Point are also critical in this process.

Renewal vs. oversight

According to Diane Screnci of the NRC, the relicensing process of the plant only looks at plant operation and economic feasibility and leaves other concerns to the oversight process. "Our license renewal review focuses on the whether the plant has programs in place to manage aging," said Screnci. "It recognizes that we already have an oversight process at the plant. If the plant were to go into an extended period of operation we would continue our oversight program at the plant."

Chief Adviser to the County Executive Susan Tolchin said the NRC's response to the petition was "ridiculous."

"It is mind-boggling that the NRC will not consider new factors as plant location with a population density that has grown by 100,000, traffic problems, numerous leaks, siren failure and an evacuation plan that cannot work in a fast-breaking scenario. What's the point in having a relicensing process?"

But Entergy agrees with the NRC ruling. "It's the right decision," said Entergy's Jim Steets. "The safety issues are examined outside the licensing process and the relicensing process focuses on the material condition of the plant. Assessments are routinely done which ensures that we have an adequate emergency response plan, which in fact is tested periodically as it was recently in the exercise a couple of weeks ago."

Steets said the ruling didn't lessen Entergy's concern for plant safety and how safety issues were being handled. "What you don't want is people coming away thinking that the NRC and Entergy dismisses safety issues," he said. Referring to contaminated water leaks at all three Indian Point units, Steets said, "The regulatory process continues assessing emergency responses and especially our groundwater situation at Indian Point."

Westchester County Board of Legislators Michael Kaplowitz, (D-Somers) said he wasn't surprised by the NRC rejection. "It's a regulatory slam dunk. I would've been in shock if they had chosen not to do it."

Kaplowitz likened the process to renewing one's drivers license. "You send your money in and you get a new license. They don't look at any changes the individual might have had that would substantially effect his operating a car – maybe you lost your eyesight, but because you sent a \$35 check it allows you to keep your drivers license. The Nuclear Regulatory Commission takes that same focus – if we license them upfront, we will license them again."

Plant site criteria

Kaplowitz said the new Congress has to come up with a law to change the basic precepts of relicensing because current siting regulations for new plants don't apply to plants seeking license renewal. "What the NRC says now is that if you can build a new nuclear power plant

at a site today, then you can renew your license for an existing plant at that same site.” But Indian Point in Buchanan is now located in a densely populated area, something Spano repeatedly addressed in his petition, claiming for that reason alone, the plant should not continue to operate.

But NRC spokesperson Diane Screnci said plant criteria depends on other things. “If a site has significant safety, environmental and economic advantages, it wouldn’t be rejected just because it has a higher population density,” Screnci said. “It’s just one of the factors that would be balanced against the advantages and disadvantages of a particular site.”

Relicensing campaign and economics

Entergy purchased the troubled Indian Point facility in 2000-2001 for approximately \$1 billion. In 2002 Entergy hired Burson-Marsteller, the public relations giant that has represented Union Carbide and Philip Morris. Recently, Entergy has put Burson-Marsteller to work with increased advertising for radio, television and print as part of its relicensing campaign. Steets explained that the ad campaign reflects Entergy’s licensing goals.

“It boils down to this: We think these plants are important to New York City and to the Hudson River Valley,” said Steets. “They are important environmentally and economically because the plants ensure a reliable and inexpensive supply of power. As we begin the relicensing process we think those are important messages to get out to people.”

The Indian Point plants produce over 2,000 megawatts of power, which is about 18 to 30 percent of the electricity needed by the lower Hudson Valley and New York City on a daily basis. David Lochbaum, nuclear safety engineer of the Union of Concerned Scientists, said it makes more economic sense to run a nuclear power plant at full capacity.

“For a nuclear plant to be economically viable, they have to make as much electricity as they can,” explained Lochbaum. “They average 90 percent capacity a year and only stop 10 percent of the time for refueling or for the occasional glitch. Nuclear plants operate best at 100 percent.”

Lochbaum explained that following daily load swings, the ups and downs of electricity demands increases the wear and tear on the equipment. But if Indian Point was closed down, the lower productivity number, 13 percent, is the amount of electricity that would have to be replaced, said Lochbaum.

The NRC decision

In their rebuttal to Spano’s petition, the NRC said that adopting a larger scope for relicensing would “represent a substantial and unnecessary departure from the commission’s carefully developed, stable and predictable approach to license renewal.”

Kaplowitz said this is typical rationale for the NRC. “This is a regulatory house of cards that’s been built by the industry so the Nuclear Regulatory Commission can basically rubberstamp the relicensing and guarantee that when an application goes in, a renewal will follow,” he said.

The NRC also said that if Spano’s measure were adopted, they would not provide “any incremental protections for the public health, safety, and the environment but would duplicate existing regulations, impose an additional burden on the commission’s resources, and thereby reduce the commission’s overall effectiveness.”

In the reply to the petition, the NRC said Entergy is “committed to ensuring the safe and

secure operation of its facilities ... and cooperates with efforts by the NRC and other governmental and regulatory authorities, including state and local, authorities, to protect the public health, safety, and environment and to promote the common defense and security.”

Screnci said that if the NRC knew the plant was unsafe, they would take action. “With the continuing oversight process, if at any point during the operation of the plant we believe the plant is not safe to operate, we can order the plant to shut down,” said Screnci.

The appeal

Tolchin said that Spano is in the process of arranging a meeting with Westchester’s congressional delegation to discuss ways to fight the NRC decision. “The meeting will be closed to the public, but we hope to meet soon,” said Tolchin.

“They would never build the Indian Point nuclear plants in today’s day and age in that location,” said Kaplowitz. “That’s why the county executive and I clearly think that the NRC should not renew the license for another 20 years going forward. This 40-year-old industrial facility has problems almost weekly and no matter how much they try to put a Band-Aid on it, the facility wasn’t designed to go 60 years.”