

TO: The Membership of Three Parks Independent Democrats
FROM: Daniele Gerard, Cynthia Doty, Steve Max, Bob Botfeld, Lynn Max, Mary Ann Marks, Milivoy Samurovich, Judy Wood
RE: **Meeting on Indian Point, June 15, 2010**, between Three Parks/other Upper West Side clubs (Curtis Arluck, Broadway Democrats, and Joan Paylo, Community Free Democrats) and staff of the U.S. Nuclear Regulatory Commission—
David Lew, Director, Division of Reactor Projects, Region I
Mel Gray, Chief, Branch 2, Region I, Division of Reactor Projects
Mandy Halter, Resident Inspector, Indian Point Unit 3, Division of Reactor Projects
Eugene Dacus, Senior Congressional Affairs Officer, Office of Congressional Affairs

This morning's meeting was about safety issues at the Indian Point nuclear power plant and their relationship to the relicensing process.

We asked about a list of factors that the NRC might be required to consider when addressing reactor safety and if the agency's findings might lead to a denial of license renewals. In order to grant license renewals for the two reactors at Indian Point, NRC staff said that they mainly consider how well the owner/operator, Entergy, is "managing the effects of aging" of the plant's components. In other words, if the plant is working as well as it used to, it can be relicensed without considering new factors that have arisen since it was built.

When determining whether to relicense the facility, the NRC does **not** consider:

- The likelihood of a terrorist attack (although staff stated that terrorism precautions for IP are ongoing, the fact that the New York area is a prime terrorist target is not considered).
- Cancer rates (although the NRC has begun a study of them).
- Continuing radioactive leaks into the Hudson (staff emphasized that IP Reactor No. 1 has had its spent fuel pools drained).
- The likelihood of an earthquake near IP (although this is one of the contentions New York State has raised in the licensing proceedings).
- The state of old technology compared to advances that have been made in the field.

The NRC does **not** apply the same safety criteria to license extensions for old plants as it currently uses when considering applications for new plants; "new reactors are much safer." In other words, Indian Point, now over 30 years old, does not need to be brought up to the safety standards that are applied to new plants, nor does it need to be as resistant to terrorist attacks as new plants are made to be.

The NRC has never denied an application for a license extension.

Although the NRC considers and requires an evacuation plan for both current operating licenses and relicensing, Entergy, FEMA and individual counties in New York State would be responsible for implementing any contingency plans. The NRC designates the area to be evacuated as a two-mile radius around the plant: "After that, it depends on in which direction the wind is blowing." In our view, it is only because such a small area is designated for evacuation that the evacuation plan could be considered adequate by regulatory agencies.

The NRC cannot renew IP's licenses without a water quality certification from New York State. (The NYS Department of Environmental Conservation denied this certification to Entergy on April 2, 2010, ruling that the outmoded cooling technology used at IP violates the federal Clean Water Act because it kills so many Hudson River Fish and consumes and contaminates so much water—2.5 billion gallons each day.) Apparently, however, as long as Entergy gets its license renewal application in on time, the NRC can extend the current license past the expiration dates in 2013 and 2015 through a process known as “timely renewal,” which would act to keep the plant operating until the lawsuit or other delaying factor had run its course. “Costs are not a factor” in the relicensing process, so the estimated \$1.4 billion projected to construct cooling towers is not something the NRC would take into account when reviewing Entergy’s application.

At first we were told that the proposed desalination plant at Haverstraw Bay in Rockland County, about eight miles from IP, is “not germane to the license renewal process.” But because Entergy is limited in how much radioactive material it can release into the Hudson, IP’s effects on the Hudson could be a factor in relicensing just as they are for current operations. The NRC, however, would not be involved until the desalination plant was actually under construction. The fact that a large part of the population of Rockland County could, in the future, be drinking water from the Hudson River that has passed through the IP reactors will not be a factor in the relicensing process, unless the desalination plant is built and the water is contaminated when the licensing is considered. The possibility of future contamination of drinking water will not be considered.

We asked about the role in the relicensing process of the NY Public Service Commission’s March 2010 rejection of Entergy’s proposal to spin off six nuclear power plants to a new business entity, Enexus Energy Corp. (The NRC had approved this transaction before the PSC decision.) We wanted to know if this reflected on Entergy’s ability to meet its financial obligations, including its ability to decommission IP. We were told that the amount of money available for decommissioning is supposed to be reviewed every two years. As soon as five years remain in a license period, available funding is supposed to be reviewed every year; this is the case now for IP as licenses expire in 2013 and 2015. Approximately 27 U.S. nuclear power plants (25 percent) have been found to have a shortfall in their decommissioning funds.

The United States has no plan for long-term storage of radioactive waste; at IP, it will continue to be stored on site, largely in dry casks above ground. This is true for the additional 1000 tons of radioactive waste that will be generated at IP if licenses are renewed. (The Obama administration has cut all funding for Yucca Mountain and the Department of Energy has withdrawn its application for the facility.) Dry casks are currently licensed (under a separate procedure) to hold nuclear waste for 20 years; “safe storage is the goal.” Waste disposal would be the responsibility of the Department of Energy with review by the NRC.

Entergy is supposedly responsible for the financial burden of cleaning up the radioactive leak/plume under Indian Point; the spent fuel pools at IP belong to Entergy. The fact that someone will have to pay for the safe storage of spent fuel and radioactive waste—literally forever—will not be considered in relicensing. The NRC staff did not know who would have

ultimate responsibility. Neither could they say what would happen if Entergy went bankrupt as Enron did. They made reference to a trust fund, but did not know its size or how long it would last.

The NRC has overseen the decommissioning of ten to fifteen reactors. Their owner/operators had chosen to close them because they weren't making enough money. The decommissioning of Maine Yankee may have taken approximately eight years. Typically, the NRC "inspects decommissioning activities" and the owner/operator hires the staff to do so.

Approximately 11,000 hours of safety inspections are performed by various NRC personnel each year at IP. The NRC inspector general is responsible for monitoring the efficacy of the NRC's safety assessments of IP.

We asked for answers to the following questions in writing. What is:

- The allocation of responsibility for implementing contingency plans?
- The amount of money that has accrued for the decommissioning of each of IP's three reactors?
- The amount of money needed for decommissioning a reactor?
- The number of jobs created by the decommissioning process based on previous examples?
- The amount of money currently available for cleaning up the entire site at Indian Point?
- The size of the trust fund for safe storage of spent nuclear fuel and radioactive waste?