

An Overview of the Relicensing Process for Indian Point

The two Indian Point reactors, Unit 2 and Unit 3, and their accessory facilities are coming to the end of their 40-year license in 2013 and 2015 respectively and have applied for a 20-year extension. The Nuclear Regulatory Commission (NRC) expects that the relicensing process will take approximately 35 months. Below is a summary of how the NRC conducts the relicensing process.

The NRC will only look at two things: the management of aging equipment (non-moving parts) and time-limited aging analyses -- such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB). Because NRC's decision on whether to relicense or not is an agency action subject to the National Environmental Policy Act, the decision must undergo environmental scrutiny. The NRC must prepare a supplement to the existing Generic Environmental Impact Statement (GEIS) -- a template that was prepared by NRC for all nuclear power plants. This site-specific EIS will be prepared by NRC staff to consider the environmental impacts of re-licensing Indian Point 2 and 3. To develop its site-specific EIS, the NRC will review the information submitted by Entergy in its Environmental Report, along with other available sources and public comment.

Under current relicensing regulations, the focus is on mechanical safety and environmental issues -- not on the vastly increased population density (except as a background review, not for appropriateness of the site), not the faulty evacuation plan, not the post-9-11 reality of possible terrorism, nor other concerns that have been raised repeatedly over the years.

Petition to Intervene: Now that NRC has formally accepted Entergy's relicensing application, there is a 60-day period through **October 1, 2007**, during which individuals or organizations may file a written request (or petition) to intervene in the hearing process. It is probable that issues ("contentions") raised in an intervenor petition will lay important groundwork for a legal appeal at the end of the relicensing process. Intervenor petition contentions may address either safety or environmental issues.

Scoping Sessions: There is also a 60-day scoping process in the Indian Point relicensing process, beginning August 10, 2007, where the public may comment on environmental impacts of relicensing. A two-session public meeting on scoping will be held by the NRC at the Colonial Terrace, 119 Oregon Road in Cortlandt Manor, NY, on **Wednesday, September 19, 2007 from 1:30 to 4:30 p.m. and 7 to 10 p.m.** This meeting offers an important opportunity for the public to let the NRC know their thoughts regarding the proposed 20-year relicensing of these aging, leaking nuclear power plants. According to the NRC notice in the Federal Register, the purpose of the NRC's scoping meeting is

"to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed for Indian Point Nuclear Generating Unit Nos. 2 and 3 license renewal supplement to the GEIS."

The environmental scoping process under NEPA does not look at the safety related issues (i.e., the effects of aging on components and structures important to plant safety). Those issues are looked at as part of the safety review and are not the focus of the September 19 meeting in Cortlandt.

NRC has preliminarily defined the following environmental issues as within the scope of the relicensing review. These considerations can include, but are not limited to:

- Wildlife and Fish
- Water and Air Resources
- Historic or Cultural Resources
- Taxes, Community Development, Environmental Justice
- Human Health
- Land Use.

Details from the Federal Register are available at:

www.epa.gov/fedrgstr/EPA-IMPACT/2007/August/Day-10/i15636.htm or <http://tinyurl.com/yup93a>

Oral comment at the September 19 meeting will be recorded and transcribed. Written comment may be submitted electronically to IndianPointEIS@nrc.gov or postmarked by **October 12, 2007**.

Review Process: During the relicensing process, two separate teams of experts, made up of NRC staff and supporting contractors, will convene -- one on safety and one on the environment. NRC staff will study the issues and each review team will prepare draft reports, a **Safety Evaluation Report**, and the site-specific **Draft Environmental Impact Statement (DEIS)**. These preliminary results will be available next summer, in approximately July 2008, and will be presented for public review and comment. The safety review will include onsite inspections by NRC staff and will be subject to an independent review by the Advisory Committee on Reactor Safeguards (ACRS).

After public comment is reviewed, NRC will prepare a Final Environmental Impact Statement and Safety Evaluation Report to the Commissioner of the NRC, who will then render a decision, which is subject to appeal by Entergy or by others. The first appeal – a petition for reconsideration -- must be directed to the Commissioner of the NRC. After the Commissioner renders his decision on the appeal, there can be one last appeal to the federal court system. This is where the contentions that were previously filed may really count.

This overview describes what can be a lengthy, bureaucratic and confusing process. Public awareness and involvement is critical because it may lead to legislative action, which could expand what NRC must consider in the relicensing process to be as inclusive as what would be required to site a new plant. Right now, as the process is currently defined, it is as if you would require far less stringent an inspection to register an old, dilapidated automobile than to register a brand new one. These aging, deteriorating facilities, located within 50 miles of 20 million people deserve far more scrutiny than current regulations require.

To date, the NRC has approved every application they have accepted. Some reactors of the 48 reactors that have been relicensed, have received little or no opposition from the communities in which they are sited.

Current Actions

- County Executive Andrew Spano has filed a court case in the U.S. Second Circuit Court of Appeals to broaden the criteria for relicensing. This means that more than aging equipment and environmental issues would have to be considered. This suit asks that population density and the evacuation plan be considered as well. A hearing will be held in October.
- Attorney General Andrew Cuomo has filed a friend of the court brief, strongly supporting expanding the criteria considering in the re-licensing process. This development indicates state support and strengthens the court case.
- The Department of Environmental Conservation won a court case requiring Entergy to install closed cycle cooling as a condition for relicensing. Entergy has appealed this decision. This case deals with fish kill from impingement of fish on the intake screens, or entrapment of eggs and smaller organisms in the cooling system, and with thermal pollution. The results of this appeal could have a major impact on relicensing. While closed cycle cooling is an expensive install, it is not likely that this expense alone would close the plant. It would, however, significantly reduce the environmental problems posed by using 2.4 billion gallons a day of Hudson River water to cool the nuclear reactor systems in Indian Point 2 and 3.
- Congressman John Hall and other representative from the Hudson Valley are focusing on the need for an Independent Safety Analysis (ISA). His proposal is for an independent panel of experts to thoroughly examine all aspects of the plant. Their findings would determine what happens. He has submitted legislation requiring an ISA for Indian Point. The bill is being held in the House Energy Committee, which is chaired by Congressman Dingle.
- Senators Chuck Schumer and Hillary Clinton have co-sponsored Independent Safety Analysis legislation and Sen. Clinton has held discussions with Entergy executives and asked their support of an ISA. Their reply was polite, but noncommittal.
- Riverkeeper is filing an intervenor petition with the NRC that will include four major contentions to challenge many points in Entergy's renewal application, including fish kills, thermal pollution, dangers associated with the ever-accumulating stores of spent fuel, and the threat of terrorism. They have also retained legal counsel and expert witnesses to substantiate their case.
- FUSE, a new grassroots-oriented energy policy think tank, has filed and will be filing several intervenor petitions with a variety of contentions to keep issues open for court appeal down the road. FUSE has formally objected to the combining of two separate facilities, IP 2 & 3, into one relicensing application and has asked for an extension of the 60-day comment period, which NRC has denied.
- Clearwater will not be filing an intervenor petition *per se*, but may sign on to others', and we will be submitting comments of concern regarding planned and unplanned leaks and discharges into the groundwater under the plant, into the Hudson River and to the surrounding environment, the impact of radiological isotopes on human and aquatic health, and the history of increasing population density which makes evacuation in the event of a nuclear emergency virtually impossible (whether or not this issue is within the scope of the relicensing process).

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