

Atomic Safety Board Dismisses Clearwater Fuel-Storage Safety Contention

On November 10, the Atomic Safety Licensing Board dismissed a contention from Clearwater concerning the safety of nuclear waste storage at the Indian Point power plant in Buchanan, NY. The determination was made on procedural and technical grounds, and did not address the merits of Clearwater's contention.

"We are keenly disappointed in the decision," said Peter Gross, Clearwater's executive director. "The unsafe storage of nuclear waste is a very serious problem that can threaten the health and safety of the surrounding region for centuries. We earnestly hope that, despite the Board's decision, Entergy and appropriate governmental authorities will in fact address this issue, for the sake of the public interest."

Clearwater Environmental Action Director Manna Jo Greene, who has raised many concerns related to the relicensing of Indian Point, said the ASLB decision ignores the real safety issues of waste storage there:

- Severely overcrowded fuel pools containing approximately four times the number of nuclear fuel rods they were designed to hold, and
- Continuing degradation of neutron-absorbing Boraflex liners in the fuel pool.

"These are only two examples of the deterioration that takes place with aging and insufficient maintenance," Greene said.

Hudson River Sloop Clearwater's Safety Contention, denoted CW-SC-4, had sought to plug the gaps in the safety analyses for the long-term storage of spent-fuel rods at the Indian Point facility. First filed in 2009, the contention was placed on hold until the Nuclear Regulatory Commission (NRC) issued its Continued Storage Rule allowing indefinite storage of fuel rods on-site at plants in August of this year.

The NRC had been required to assess the safety of indefinite storage of fuel rods by a Circuit Court of Appeals ruling after a proposal for a national spent-fuel repository at Yucca Mountain in Nevada was abandoned. The NRC's two-year review determined that on-site waste storage is safe – which Clearwater continues to strongly dispute.

On October 1, 2014, Clearwater filed a brief in support of its original waste storage safety contention. "The NRC staff and Entergy – which owns the two operating reactors at Indian Point – claimed that our contention was not timely and not within the scope of the relicensing process," said Greene.

"Essentially, they said and the ASLB agreed, "Too early, too early, too early – oops, now it's too late!"

Greene said the plant and surrounding area are at risk for a severe fuel pool failure or spontaneous fire. If the plant were to be relicensed, the problem would be further compounded by the accumulation of more spent fuel rods, with inadequate oversight by NRC to compel Entergy to move older rods to dry cask storage to promote safety.

"NRC regulations do not ensure safety for the 20 million people who live or work within 50 miles of Indian Point and beyond – but are, in fact, designed to protect the nuclear industry," the Clearwater director said. "The ASLB decision does not affirm that it is safe to relicense Indian Point for another 20 years, but rather that the NRC regulations are insufficient to protect public health and safety."