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Board to review complaints against Indian Point

By Abby Luby

Relicensing process will take longer than expected

Fifteen of the 154 contentions filed earlier this year against the license renewal application for the Indian Point Nuclear Power Plants were accepted by the Atomic Safety and Licensing Board (ASLB) last week. It's the largest number of contentions submitted and accepted for a license renewal proceeding in the United States to date, according to the Nuclear Regulatory Commission (NRC).

The ASLB is appointed by the NRC, the federal oversight agency for nuclear power plants.

The 15 contentions will be heard in legal hearings that will likely prolong the application process for an additional year.

Last year, plant owner Entergy filed to extend the license of the twin reactors for continued operation to 2033 and 2035. Several state agencies and public organizations filed contentions earlier this year citing reasons to reject the application.

NRC spokesperson Neil Sheehan said a normal license renewal process takes anywhere from 22 to 30 months.

"In the case of Indian Point, it's going to be longer – about 34 or 35 months," he said.

Jim Steets of Entergy said the contentions will give the utility company a chance to address the public's concerns.

"We look forward to making the case for the continued safe operation of the plant for the renewed license period," he said.

Contentions filed for New York State were done through

the New York Department of Conservation and Attorney General Andrew Cuomo. Its arguments against relicensing includes inadequate programs for managing buried pipes, tanks and transfer canals containing radioactive fluids, for inaccurate cost estimates for decontamination and clean-up costs associated with a severe accident. The state also contends that Entergy hasn't considered the impact on local real estate values caused by license renewal or the positive impacts on land values if the license is not renewed.

In a prepared statement, DEC Commissioner Pete Grannis said arguments against the license renewal are bringing up issues critical to the future of the Hudson Valley and to millions who live in the region.

"The State of New York urges the granting of its petition by the NRC, particularly given the 20 years of consequences of such a significant decision," Grannis' statement read. "In the end, the process will clearly show that the license renewal for Indian Point should not be granted by the NRC."

Contentions by Riverkeeper attacked Entergy's failure to use updated information on the environmental impact of radionuclide leaks from spent fuel pool leaks at Indian Point.

Phil Museegas of Riverkeeper said his group has until Aug. 21 to respond to the ASLB with its preference for type of hearing.

"We would prefer a formal hearing which is more like a regular trial with witnesses," he said.

The vast majority of ASLB hearings are conducted in writing, according to the NRC. Sheehan explained that contentions could be knocked out along the way and that Entergy can also file motions against the contentions. Any live testimony will be held in the vicinity of the plant and is open to the public.

Most government agencies and public organizations filing contentions had staff attorneys prepare thousands of pages in the required hard and electronic copies. But grass roots organizations like Westchester Citizen's Awareness Network (WestCAN) struggled with a process best handled by legal professionals.

WestCAN's entire list of contentions were rejected and they have complained that the ASLB board treated them unfairly, chastising them for missing a deadline by five minutes.

"We tried as hard as we could with both the NRC and the ASLB to understand rules we knew very little about," said Marilyn Elie, a co-founder of WestCAN. "It's unfortunate the board couldn't focus more on content and less on missing a deadline."

WestCAN was the only group to argue against Entergy's bid to spin off a newly named company. They were able to raise \$20,000 to prepare the contentions.

The ASLB panel also rejected contentions from the Rockland County Conservation Association, Public Health and Sustainable Energy, the Sierra Club – Atlantic Chapter and state Assemblyman Richard Brodsky.