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From: "Lisa Rainwater VanSuntum" <lisa@riverkeeper.org>
To: <NRCREP@nrc.gov>
Date: Wed, Mar 30, 2005 2:53 PM
Subject: PUBLIC COMMENT ON REVISED GUIDELINES FOR NUCLEAR POWER PLANT LICENSE RENEWAL APPLICATIONS

Dear Sir/Madame:

Please find attached Riverkeeper's comments on revised guidelines for nuclear power plant license renewal applications.

Please contact me, if there are any problems with this submittal.

Sincerely,

2/1/05
70FR5254
(4)

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- The REPP fails to deal with a scenario involving an earthquake (Indian Point sits above the Ramapo Fault).

- The REPP fails to adequately address an emergency scenario involving a "multiplier" effect in which a radiological or biological weapon is discharged in the vicinity of Indian Point, devastating the region and interfering with the actions that plant employees could take to prevent a meltdown could not be performed.

- In the event of a rapid release, the REPP relies on a "sheltering" option. There is evidence that a significant number of people will self-evacuate in spite of instructions to shelter. It is doubtful that those who choose to seek shelter in their homes would be adequately protected.

Riverkeeper, Inc.
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March 30, 2005

Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mailstop T-6D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: PUBLIC COMMENT ON REVISED GUIDELINES FOR NUCLEAR POWER PLANT LICENSE RENEWAL APPLICATIONS

Dear Sir/Madame:

Herewith Riverkeeper submits comments regarding the Revised Guidelines for Nuclear Power Plan License Renewal Applications as posted on the Nuclear Regulatory Commission's website on January 31, 2005.

Thank you for receiving our comments on the need to revise regulatory guidelines for nuclear power plant license renewal applications.

Sincerely,

Alex Matthiessen
Hudson Riverkeeper &
Executive Director

PUBLIC COMMENTS ON REVISED GUIDELINES FOR NUCLEAR POWER PLANT LICENSE RENEWAL APPLICATIONS

I. License renewals should be reviewed/approved/rejected under the same regulations as those for new licenses.

Siting and permitting criteria for new nuclear power plants have changed since Indian Point received its original operating license.

The NRC is operating under the fundamental premise that every operating reactor is a viable ongoing operation that has an assumed right to keep on operating. This assumption is erroneous. The forty years of the original license is more than enough time to amortize the original investment in the plant, so the operator has no equitable right to continue operating indefinitely. A license renewal application should be reviewed under exactly the same guidelines used for siting and permitting new nuclear power plants.

II. NRC must include "Moving Parts" assessment during re-licensing inspection.

The NRC's existing inspection regime will not guarantee that those parts of a plant's operation not subject to the aging management review required for license renewal will function safely during the extended twenty-year life of the plant.

The NRC should require all renewal applicants to submit an Integrated Plant Assessment that includes a safety review of all aspects of the plant's operation, instead of a narrow assessment that only examines the 'non-moving parts' of the plant. Only a comprehensive safety review, coupled with an aggressive inspection policy, will ensure that relicensed plants will operate safely during their extended life span.

Under the NRC's regulations, only the 'non-moving parts' of a plant's structure, such as the containment dome and liner, reactor vessel, and electrical cables, are required to undergo this review. Other essential elements of the plant's operating system, such as containment sump pumps, motors, generators and electrical switches will not be included in the licensee's assessment. The safe operation of these parts of the plant is supposed to be managed under the plant's Current Licensing Basis. Yet many of the major safety problems affecting plants in the

past, including those resulting in extended plant shutdowns, were the result of system failures that were supposed to be managed under the CLB.

Indian Point 3 was shutdown for an extended period in the mid 1990s due to recurring problems with the AMSAC system. AMSAC is part of the reactor protection system that automatically shuts down the reactor when sensors in the field detect degrading conditions. While AMSAC problems were the straw that broke the camel's back, the ensuing outage allowed NYPA to fix recurring problems with the power operated relief valves (PORVs). AMSAC and the PORVs are moving parts.

Both reactors at Salem shut down after IP3. The straw in this case was the rod control system which repeatedly malfunctioned. Once down, the NRC created a list of 43 items that had to be fixed before restart - many of them fixes to moving parts.

II. NRC regulations must be based on best scientific and technical knowledge and data available.

The NRC should base their regulations on the best scientific and technical knowledge available, instead of allowing currently operating plants to be 'grandfathered' into compliance, based on scientific data from the 1970s that is proven to be outdated.

In particular, the NRC has not required licensees in the Eastern United States to update their analyses of the potential seismic hazards facing their plants, despite issuing new regulations that acknowledge the change in scientific knowledge regarding the differing effects of earthquakes on plant structures in the Eastern and Western U.S.

The new seismic regulations (See Federal Register, *61 FR 65157,* December 1996) only apply to new power plants that are seeking an original license. Currently operating plants in the Eastern U.S. are exempt from the new regulations, even when they apply to renew their license. If there is even a slight risk that the seismic criteria upon which these plants based their structural designs and safety systems is inadequate, then the licensees should be required to work with the NRC to reevaluate how the plant's physical structures might react to an earthquake, based on the new scientific findings reflected in the NRC's own regulations.

The NRC has also updated the regulations regarding seismic siting criteria for Independent Spent Fuel Storage Installations (ISFSI), but these only apply to holders of *specific ISFSI licenses.* Most NPPs, including Indian Point, hold general licenses, which allow them to remain exempt from the updated regulations. (See 10 CFR §72.103) Again, the potential risk to both the spent fuel pools and dry cask storage demands that the NRC require the most up to date science be applied to these facilities.

III. Spent Fuel Storage must be considered during the license renewal process.

Exempting the issue of spent fuel storage from consideration during the license renewal process is completely unreasonable, given the significant safety and security issues related to the storage of spent fuel, and the certainty that many currently operating nuclear power plants will run out of wet fuel storage space within the next five years

Given the continued failure of the federal government to establish a long term repository for nuclear waste, the safety, security, and environmental issues arising from storing spent nuclear fuel should be addressed during the license renewal process, when other aspects of the plant's extended operation are being reviewed.

Under the regulations, the spent fuel storage is regulated under a separate license by the NRC, not subject to review during the operating license renewal process.

The potential environmental impacts of storing spent fuel for an additional twenty years are also off the table during relicensing, due to the NRC's "Finding of No Significant Environmental Impact" (FONSI) that applies to all currently licensed ISFSIs. (See 10 CFR §51.23(a))

- The FONSI can be extended by the NRC for up to 30 years beyond the licensed term of an operating plant, including the twenty year renewal term. This means that the NRC has the discretion to independently regulate the storage of spent fuel for fifty years after the renewal of an operating license.

A requirement for a thorough evaluation of the environmental impacts of storing spent fuel for an additional 20 years must be included in the relicensing process

IV. Supplemental Environmental Impact Study must address changes in population density and traffic patters.

The Supplemental EIS required by the NRC for license renewal should comprehensively address changes in population and traffic patterns within the EPZ of an existing plant, especially as they relate to the adequacy of the Emergency Planning in case of an accident.

Indian Point is a prime example of a plant sited in an area which has undergone tremendous population growth and development over the last thirty years. The population living and working near Indian Point has dramatically increased since the original operating licenses were granted. This increase in population density must be taken into consideration during the license renewal process. Roads and bridges cannot handle the amount of traffic leaving the 10-mile radius and beyond.

Were Entergy applying for a license to build a brand new nuclear power plant where Indian Point is now located, it is unlikely they would be allowed to do so, based on its proximity to such a highly populated area.

Under the current regulations, the EIS need only address "socioeconomic impacts," such as public transportation, housing, and public services including the availability of a public water supply.

The radiological emergency plan for Indian Point is badly flawed, unworkable and key components are unfixable. According to former FEMA director, James Lee Witt, "...the current radiological response system and capabilities are not adequate to ... protect the people from an unacceptable dose of radiation in the event of a release from Indian Point..."

In 2003 KLD Associates conducted a traffic study for Entergy and determined that evacuation times for the Emergency Planning Zone around Indian Point doubled since 1994. The original estimate was 2.5 hours for people to proceed with evacuation, with a total of 5.5 hours for complete evacuation. KLD estimates increased mobilization time to four hours, while complete evacuation of the region in good weather conditions could take up to 9.5 hours and in snow conditions up to 12 hours. Shadow evacuation would increase this time.

Over twenty years ago, one of your own directors found the placement of Indian Point absurd. In 1979, Robert Ryan, the NRC's Director of the Office of State programs, stated, "I think it is insane to have a three-unit reactor on the Hudson River in Westchester County, 40 miles from Times Square, 20 miles from the Bronx . . . [Indian Point is] one of the most inappropriate sites in existence."

This was before an increase in population around Indian Point and before the terrorist attacks of September 11, 2001.

V. NRC must evaluate the current emergency evacuation plan.

The analysis of the effects of a 'severe accident' resulting in releases of radiation to the atmosphere and groundwater should also include the latest studies of how well the Emergency Evacuation Plan has been designed, and whether it will work. Ignoring the significant issues related to emergency planning is unreasonable, and fails to take the requisite 'hard look' required under NEPA.

Elected officials and first responders lack confidence in the current REPP's ability to protect the public. For the third consecutive year, counties within the EPZ have refused to submit their Annual Certification Letters for the radiological emergency preparedness plan for Indian Point. Over 300,000 people are living within the 10-mile radius of Indian Point without a workable emergency evacuation plan.

The 2003 Witt Report noted several pressing issues that have yet to be addressed by the NRC or FEMA. These concerns, among many others noted in the Witt Report must be considered during the license renewal process:

- The REPP does not address the site-specific, hazardous conditions of a sabotage event or a terrorist attack at the Indian Point facility.