



Nuclear regulators told law prohibits new reactor licensing until Fukushima review taken into account

Thursday, August 11, 2011

For Immediate Release

Contact:

Nick Berning, 202-222-0748, nberning@foe.org; Leslie Anderson, 703-276-3256, landerson@hastingsgroup.com

MULTIPLE LEGAL CHALLENGES: ALL NUCLEAR REACTOR LICENSING MUST BE DELAYED OR CANCELLED DUE TO EXISTING FEDERAL LAW

25 Groups Call on Nuclear Regulatory Commission to Follow Legal Requirements for Reactor Licensing & Relicensing

WASHINGTON, D.C. -- August 11, 2011 -- Not only should the Nuclear Regulatory Commission (NRC) slow down reactor licensing and relicensing in order to address a range of health and safety concerns raised by its own experts in the task force review of the Fukushima disaster, but the reality is that the NRC is required to apply the brakes in order to comply with existing federal law, according to 19 separate legal challenges filed today by a total of 25 public interest groups and several individuals.

The groups contend that under federal law, the NRC may not issue or renew a single reactor license until it has either strengthened regulations to protect the public from severe accident risks or until it has made a careful and detailed study of the environmental implications of not doing so. The groups are also pursuing a technical finding from high in the NRC that leads to upgraded safety standards.

“What we’ve learned in the wake of Japan’s nuclear disaster -- and what the Nuclear Regulatory Commission’s experts concluded -- is that current regulations are fundamentally inadequate. They simply do not provide the level of safety required by laws including the National Environmental Policy Act and the Atomic Energy Act,” said Phillip Musegaas, Hudson Program Director of Riverkeeper, Inc., which today filed a contention document related to the Indian Point reactor in New York State with the NRC. “The law requires regulators to take this information into account before issuing any licenses for reactors. Our filing today is intended to force them to do so.”

The Nuclear Regulatory Commission’s 90-day review of the lessons learned from the meltdowns and radioactive release at Fukushima produced substantial new information that raised health and safety concerns that now must be considered in formal environmental impact statements, the groups contend. Because of this, existing environmental impact statements for all reactors in the licensing process fail to satisfy the requirements of NEPA, and issuing licenses prior to the completion of supplemental environmental impact statements would be illegal.

“Significant regulatory changes are needed to ensure that existing or new nuclear reactors do not pose unacceptable safety and environmental risks to the public,” said Dr. Arjun Makhijani, a nuclear expert who prepared a declaration that will be filed with the contentions. “In light of the disastrous and ongoing

events at Fukushima, it is clear that the issues of public safety raised by the Task Force are exceptionally grave.”

The delays that could result from additional analysis are likely to be substantial, and it is possible license applications could be rejected altogether at the end of the licensing process. If a license is issued prior to the NRC conducting the required environmental analyses, the commission could be held accountable by federal courts.

A list of the 25 groups filing contentions with the NRC today follows. The contentions address reactors at facilities including Diablo Canyon, Watts Bar, Bellefonte, Summer, South Texas, Comanche Peak, Vogtle, Turkey Point, Indian Point, Calvert Cliffs, Davis-Besse, Seabrook, Fermi, Levy, Shearon Harris, North Anna, Bell Bend and W.S. Lee.

An example from the contentions being filed today can be found at:

http://foe.org/sites/default/files/SLOMFP_Fukushima_Contention_TO_BE_FILED_8-11-11.pdf

The supporting technical declaration can be found at:

http://foe.org/sites/default/files/Makhijani_Declaration_for_new_Fukushima_Contention_with_CV_8-8-11.pdf

Groups filing contentions include:

Beyond Nuclear
Bellefonte Efficiency and Sustainability Team
Blue Ridge Environmental Defense League
Center for a Sustainable Coast
Citizens Environment Alliance of Southwestern Ontario
Don't Waste Michigan
Ecology Party of Florida
Friends of the Coast
Friends of the Earth
Georgia Women's Action for New Directions
Green Party of Ohio
National Parks Conservation Association
NC WARN
New England Coalition
NIRS Southeast
People's Alliance for Clean Energy
Public Citizen
Reduction Network in COL
Riverkeeper, Inc.
San Luis Obispo Mothers for Peace
Seacoast Anti-Pollution League
SEED Coalition
Sierra Club (Michigan Chapter)
Sierra Club of New Hampshire
Southern Alliance for Clean Energy

###

<http://foe.org/nuclear-regulators-are-told-law-prohibits-new-licensing-until-post-fukushima-review-taken-account>