

GROUPS: NRC REFUSAL TO REQUIRE FUKUSHIMA SAFETY ENHANCEMENTS FOR VOGTLE REACTORS WILL FORCE FILING OF FEDERAL COURT ACTION

Nuclear Regulation Commission's Decision TODAY Against Groups Triggers New Stay Motion in Federal Court Amidst Latest Signs of 30+ Vogtle Project License Changes

WASHINGTON, D.C. 6 April 16, 2012 6 An adverse decision by the Nuclear Regulatory Commission (NRC) reached today will force parties concerned about the already troubled Vogtle nuclear reactor project in Georgia to file a motion this week in federal court, according to representatives of nine organizations that are seeking to slow down the Vogtle project so that necessary post-Fukushima safety enhancements can be taken into account on the front end, before billions of ratepayer dollars are spent.

In a phone-based news conference held just hours after the NRC rejection of their motion to stay construction, the groups explained that the NRC is violating federal law by issuing the Vogtle license without fully considering important public safety and environmental implications of the catastrophic Fukushima accident in Japan. The new court proceeding would unfold against a backdrop of more than 30-plus license changes for the Vogtle reactors that Southern Company has said are needed and that the nine groups believe may result in possible delays and cost overruns.

The nine groups are the Blue Ridge Environmental Defense League, Center for a Sustainable Coast, Citizens Allied for Safe Energy, Friends of the Earth, Georgia Women's Action for New Directions, North Carolina Waste Awareness and Reduction Network, Nuclear Information and Resource Service, Nuclear Watch South, and the Southern Alliance for Clean Energy.

They have asked federal judges to order the NRC to prepare a new environmental impact statement (EIS) for the proposed Vogtle reactors that would detail how cooling systems for the proposed reactors and spent fuel storage pools would meet new regulatory requirements in light of the Fukushima accident to protect the site, and nearby communities, against earthquakes, flooding and prolonged loss of electric power to the site. Post-Fukushima safety requirements may also lead to a change in the economics of the Vogtle project compared to other energy alternatives.

Sara Barczak, High Risk Energy Choices program director, Southern Alliance for Clean Energy, said: "As evidenced by today's NRC decision, regulators unfortunately continue to ignore the real ramifications that this risky, expensive nuclear project could have on utility customers and local communities. There are serious safety and economic concerns that will eventually come to a front. Before billions more dollars are spent, post-Fukushima issues should be dealt with in order to best protect surrounding communities and ratepayers' pocketbooks."

Diane Curran, Harmon, Curran, Spielberg & Eisenberg, L.L.P., attorney for organizations, said:

6The NRC predicts we are going to lose our case in federal court and therefore it refuses to order the suspension of construction at Vogtle while our court case proceeds. But the NRC only digs itself in deeper with this decision, which confirms that the NRC applied the wrong standard in refusing to supplement the EIS for Vogtle to address the environmental implications of the Fukushima accident 6 whether there was an 6imminent risk6 of a Fukushima-like accident. But that is not the correct standard for whether a supplemental environmental analysis should be required. The standard is whether there is a significant risk of a severe accident sometime during the operating life of the reactor 6 not tomorrow.6

Dr. Arjun Makhijani, president, Institute for Energy and Environmental Research, said: 6In denying a stay of the

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license, the Commission completely ignored our principal concern about the harm that will be caused by going ahead with construction now ó that the costs of Fukushima-related backfits that may be required will be much greater after construction starts than if that issue is settled before construction, which is what we ask. The NRC gave short shrift to the interests of the public and specifically the ratepayers who are bearing the risks of Vogtle 3 and 4. For instance, the NRC ignored its own statements, as recent as January 2012, that the frequency of earthquakes of a given ground motion in the eastern region is now estimated to be higher than before. The Commission has failed to learn the lessons of the more than one hundred reactors to which it gave construction licenses in the 1970s that were later cancelled at great damage to ratepayers and the public in general in part because safety-related backfits were needed once construction had begun.ö

Rev. Charles Utley, Environmental Justice coordinator, Blue Ridge Environmental Defense League, said: öAs residents living within view of Plant Vogtle, we oppose the siting yet another nuclear plant in our backyard. For years we have participated in public hearings, legal actions and many other tactics to slow, stop and reverse this fundamental injustice. For our children, our homes and our community, we will never give up.ö

Curran added: öThe decision also vividly illustrates how NRC tries to have it both ways, telling the public to trust usóthat it is taking the Fukushima accident seriously, at the same time it refuses to be accountable to the public by supplementing the environmental impact statement for Vogtle or by even holding a hearing on whether it should be supplemented. Attendance at the only hearing the NRC has held on the question of whether the NRC should supplement the environmental study for Vogtle was limited to Southern Nuclear Operating Co. and the NRC technical staff. The NRC would not let the public participate and refused these groupsórequest for a hearing on the very same issue. We should have learned from the Japanese accident that such a cozy relationship between industry and government regulators leads to complacency and poor regulatory decisions.ö

In February, the groups asked the NRC to delay construction of the new Vogtle reactors until the court decided their case. Since the NRC refused their request today, they will re-file the stay motion on construction with the U.S. Court of Appeals for the District of Columbia Circuit later this week. They contend that construction should not be allowed until the NRC decides whether the proposed new reactors should be re-designed to provide for more rigorous protection against earthquakes and extended power outages. To build reactors that might need to be significantly modified later and extensively backfitted in light of new post-Fukushima regulatory requirements risks wasting ratepayer dollars, causing unnecessary pollution, and even possible abandonment of the project.

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The NRC's order is available online at http://www.cleanenergy.org/images/testimony/NRC_OrderVogtleStayMotion_041612.pdf.

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EDITOR'S NOTE: A streaming audio replay of a related news event is available on the Web at <http://www.cleanenergy.org> .