

Nuclear Regulatory Commission Budget Hearing

House Appropriations Subcommittee on Energy and Water Development, and Related Agencies

Wednesday, February 10, 2016

Stephen Burns - Chairman, Nuclear Regulatory Commission

Chairman Simpson: We are pleased to have with us today the ranking member of the full committee, Ms. Lowey of New York, and I know that you've got a very busy schedule so we'll be happy to recognize you next.

Nita Lowey: You are very gracious Mr. Chairman, and I want to first of all thank you for bringing us together for this very important hearing. As you can imagine, I'd be concerned about Indian Point. I don't think it's any surprise, it's in Buchanan, NY. It houses one decommissioned and two operational power reactors, owned by Entergy. And earlier this week, Entergy notified the NRC and state authorities that radioactive tritium-contaminated water leaked into the groundwater at Indian Point. Entergy found, "alarming" levels of radioactivity in three monitoring wells. Just this morning, Entergy has reported that tritium levels have gone up in the groundwater beneath Indian Point. This is the third time since 2005 that we know of, that tritium has leaked into groundwater at Indian Point. Though contamination has not spread to the Hudson River and does not seem to pose an immediate threat to public health, it's clear that this incident requires a full and thorough investigation. And based on the many problems at Indian Point, and what seems to be poor oversight on the part of the NRC, it seems the NRC is not adequately prioritizing public health and safety.

There are three NRC resident inspectors who work full-time at Indian Point. They're following Entergy's groundwater monitoring program and should have been on top of an inadequate pump system in place in recent years. While your agency is sending another inspector to the site this week and has begun an investigation, I am deeply concerned that the NRC is turning a blind eye to glaring problems at a critical time when Entergy's relicensing process is underway.

So, a few questions, and thank you, Mr. Chairman. When were these resident inspectors made aware of the groundwater leak at Indian Point? And what actions has the NRC taken to address this tritium leak? Will the NRC be fully investigating the leak as I urged you to in a letter earlier this week? And could you elaborate for us what that investigation will entail and when findings should be expected?

Stephen Burns: Certainly. I believe our resident inspectors in our regional office were informed of the leak, or the spill, it would've been Friday evening when Entergy identified it. It was in an amount that was actually below the threshold reporting limits, but Entergy reported it to it.

Lowey: Could I just ask a quick follow-up? Before you said that Entergy reported it, so there are three resident inspectors that are there. And there was no way of them knowing or identifying the leak until Entergy reported this? Is that correct? I just want to make sure I'm understanding the sequence and the process.

Burns: Yeah, I would expect, and I can certainly confirm with our regional staff, but I would not necessarily expect the resident to be present when the spill or the leak occurred, or something like that. I mean our inspectors do go through the plant, they observe certain evolutions, but they would not have necessarily seen that right away.

Lowey: So, I mean, I'm going to let you continue with the approval of our chair. But there are three resident inspectors, so I just wonder what they're looking for as they are walking around there full-time.

Burns: They do. They're looking for any number of things. They have a particular protocol, I believe, that we set that an inspector goes out and looks at. They may observe particular plant operations. They may observe the piece of equipment and things like that, but they go through the plant at various times to do that.

Lowey: Okay. It wouldn't be incumbent upon them to identify a leak? They have to wait until someone tells them. Is that correct?

Burns: Unless they had observed it directly themselves. After all, the operator is responsible for the operations within the license requirements and is ultimately responsible for the safety of the plant. We can, as indicated, we will have inspectors. Both, we have the resident inspectors who make observations during their normal rounds, in terms of what the plant is doing. As well as send, as you indicated here, we have sent a specialist out there to help with the evaluation of what happened and the significance of it.

Lowey: Now, as I understand it, Entergy said to you, the NRC, that the rad-waste sump pump has been out of service since October 2014. Will the NRC inspectors at Indian Point and other nuclear power plants begin doing annual or semi-annual reviews of all the systems at these facilities? I'm just puzzled about that.

Burns: Well I would expect, again, as part of our evaluation of this particular incident, to understand how that contributed to the tritium spill or the tritium leak. I would expect that to happen. We will inspect, during outages, various pieces of equipment and in particular, sometimes operations of equipment, and those types of things, during our inspection program.

Lowey: Well, Mr. Chairman, lastly, it's since 2007 that Entergy has been seeking to extend its licenses for Indian Point's two reactors, Units two and three, for another twenty years. Both of these reactors have eclipsed their original licensing periods. So despite expiration of their licenses, Indian Point can continue to operate until a final decision is made by the Nuclear Regulatory Commission. Do you have any updates on when the commission will make a final decision and will the recent tritium leak impact the final decision?

Burns: I believe that a supplemental environmental review is due later this year and I can provide to you, for the record, what the timing is. I just don't happen to know it off-hand. I know that there is this supplemental review. The question on the tritium leak: the tritium leak is part of the ongoing oversight process for the plant. I would expect actions related to the performance of Entergy taken account of through our normal oversight and evaluative process for that. That would not await the license renewal process.

Lowey: Thank you Mr. Chairman, I appreciate the time. Thank you.