

Post-Fukushima, Arguments for Nuclear Safety Bog Down



Officials have recommended that nuclear plants like Nine Mile Point in New York install new safety equipment.

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Alarms sounded and lights flashed as control panel dials at a nuclear power plant in upstate New York warned that the power for safety equipment was failing. The room went dark until the emergency lights kicked in. But there was no reason to worry on this frozen winter morning.

This was a simulation by Constellation Energy, the owner of the [Nine Mile Point](#) plant on Lake Ontario, for the benefit of two of the five members of the [Nuclear Regulatory Commission](#). It was part of an intense lobbying campaign against a proposed rule that would require utilities to spend millions of dollars on safety equipment that could reduce the effects of an accident like the Fukushima Daiichi meltdown in Japan two years ago.

In this drill, the company tried to show it could handle emergencies without new devices and, of course, everything went according to plan.

Ever since the nuclear accident in Japan released radiation into the atmosphere, regulators in the United States have been studying whether to

require filters, costing as much as \$45 million, on the vents of each of the country's 31 [boiling water reactors](#).

The filters, which have been [recommended by the staff](#) of the regulatory commission, are supposed to prevent radioactive particles from escaping into the atmosphere. They are [required in Japan](#) and much of Europe, but the American utilities say they are unnecessary and expensive.

The industry has held private meetings with commissioners and their staffs, organized a drill like the one this month at Nine Mile Point, and helped line up letters of support from dozens of members of Congress, many of whom received industry campaign contributions.

"We all desire an ideal solution, but it needs to be an integrated one," said [Maria G. Korsnick](#), Constellation's chief nuclear officer. She said that a filter was not as helpful as water in the reactor building that would both cool the fuel and absorb radioactive contaminants.

Already, at least two commissioners have questioned the proposal, and industry officials predict that when the vote is taken in the coming weeks, the industry will prevail. But critics are hardly convinced that the industry's alternative is the safer.

Computer models, they said, may suggest that plant operators can prevent large radioactive releases without the filters, but real-life accidents come with unpredictable complications.

"You never know if it is going to run according to the script," said Edwin Lyman, a nuclear power expert at the [Union of Concerned Scientists](#).

The debate over the filters reflects a simmering tension that has been building inside the regulatory agency since the Fukushima accident in Japan. A tug of war among commissioners and between some commissioners and staff members has produced repeated votes that reject staff safety recommendations.

Animosities have welled up to the point that four of the five members complained to the White House in late 2011 about the "serious damage to the institution" caused by Gregory B. Jaczko, then the chairman of the commission. The members complained that Mr. Jaczko was cutting them out of the loop as he prepared plans for how the industry should respond to the disaster in Japan.

Mr. Jaczko, who [has since resigned](#), fired back, telling the White House that, “unfortunately, all too often, when faced with tough policy calls, a majority of this current commission has taken an approach that is not as protective of public health and safety as I believe is necessary.”

The White House shied away from the dispute, but accepted Mr. Jaczko’s resignation.

Congress has since gotten involved. Over the last month, 55 lawmakers have signed letters, some pushed by industry lobbyists, that urge commissioners to reject the filters.

“It’s not the time to be rash with hasty new rules,” [wrote Senator David Vitter of Louisiana](#), the ranking Republican on the Senate committee that oversees the industry, in a letter signed by six other senators. (Twelve senators — 11 Democrats and an independent — [signed a letter](#) supporting filtered vents.)

Representative John Barrow, Democrat of Georgia, in a letter signed by 25 other House Democrats, argued that the filtered vent “is not justified on a cost-benefit basis,” a fact the commission staff acknowledges. The commission must “achieve the regulatory goal in the safest, most effective, and least costly manner,” the letter said.

Many of these lawmakers, both [Democrats and Republicans](#), have received significant campaign contributions from the industry. For instance, Mr. Barrow’s [top contributor in the 2012](#) election was the Southern Company, a Georgia-based utility that is a major player in nuclear power. Some of the lawmakers also have nuclear reactors in their districts, a major source of tax revenue and jobs.

The appointment books for certain commission members, reviewed by The New York Times, show frequent meetings with the industry, including private sessions at the commission’s headquarters. Nuclear industry opponents occasionally have had their own private meetings, but not nearly as often, the records show.

E-mails obtained by The Times also demonstrate the teamlike approach taken by the industry and the regulators in dealing with safety questions, as they have worked behind the scenes with the Nuclear Energy Institute, the leading trade association, to try to prevent a reaction against nuclear power in the aftermath of the Fukushima accident.

“It would be nice if the industry was even more proactive by having N.E.I. send us a letter that says something to the effect that in the wake of the Japanese disaster here is a list of all the things the commercial U.S. nuclear licensees are doing,” wrote Brian Sheron, the head of nuclear regulatory research at the regulatory commission, in an e-mail to his colleagues, referring to the Nuclear Energy Institute.

Mr. Sheron, in a statement, said he was prodding the industry, not trying to protect it, as he realizes the “industry never seems to want to aggressively get out in front of issues.” Since the accident in Japan, American regulators have imposed several mandates on the industry but none are likely to cost the industry much money, industry officials said.

The filtered vent proposal, by far the most expensive, would be required only on boiling water reactors like Nine Mile Point, which are considered much more prone to leaking during an accident because they have unusually small primary containment chambers and pressure can build quickly.

But how well the filters work is unclear because the vents to which they would be attached have never been used successfully in an accident at a modern commercial reactor, experts said. The vents failed at Fukushima, which would have rendered filters moot. A panel of independent senior advisers to the commission opposes a strict requirement for filters.

The industry wants the regulatory commission to reject the rule mandating the filters, and instead allow a plant-by-plant evaluation in which filters would be required only if goals for radioactive emissions could not be met.

Industry officials said that filters were not as effective as having water in the containment chamber, which would reduce fuel damage and thus help keep the radioactive material in the fuel. Water also would absorb contaminants that escaped the fuel. That approach is what Constellation executives and the industry trade group showed off at Nine Mile Point.

One commissioner, [William C. Ostendorff](#), a former captain of a nuclear-powered attack submarine, said in an interview that he found the Nine Mile presentation helpful. “I wouldn’t use the phrase lobbying,” he said. “I think there has been a high level of interest.”

His comments — as well as those from other N.R.C. members, including [Kristine Svinicki](#), who has made her own visits to nuclear power

plants — gave weight to predictions by industry lobbyists that their argument will prevail.

“In order to feel that was needed,” Ms. Svinicki said [last year of the filtered vents](#), “I would have to have a fundamental lack of confidence in so many other measures” before the staff had recommended in favor of filtered vents. “I simply haven’t been convinced of it.”

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