



NUCLEAR SECURITY COALITION

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Alliance for Nuclear Responsibility
C-10
Cape Downwinders
Citizens Awareness Network
Citizens Campaign for the Environment
Citizens' Environmental Coalition
Citizens' Regulatory Commission
Citizens Resistance at Fermi II
Clean Water Action
Connecticut Coalition Against Millstone
Earth Care
EFMR Monitoring
Environmental Coalition on Nuclear Power
Finger Lakes Citizens for the Environment
Georgians Against Nuclear Energy
Greenpeace
Heart of America Northwest
Independent Environmental Conservation &
Activism Network
Institute for Resource and Security Studies
Justice Through Peace Initiative
Kids Against Pollution
Lakeshore Environmental Action
Massachusetts Citizens Awareness Network
Massachusetts Public Interest Research Group
Nebraskans for Peace
New England Coalition on Nuclear Power
New Jersey Public Interest Research Group
North American Water Office
New York Public Interest Research Group
North Carolina Waste Awareness & Reduction
Network
Nuclear Energy Information Service
Nuclear Free Vermont
Nuclear Information & Resource Service
People's Environmental Network of New York
Physicians for Social Responsibility
Pilgrim Watch
Plymouth County Nuclear Information Committee
Public Citizen
Riverkeeper
San Luis Obispo Mothers for Peace
Sierra Club
Southern Alliance for Clean Energy
Syracuse Peace Council
Three Mile Island Alert
Union of Concerned Scientists
UNPLUG Salem
Vermont Citizens Awareness Network

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NRC Rejects Public Petition Calling for More Protection of Nuclear Waste Stored in Vulnerable Storage Pools on Reactor Roof Tops

Washington, DC- The Nuclear Regulatory Commission (NRC) Staff issued its final decision on November 7, 2005 in essence dismissing a petition calling for emergency enforcement action to address the vulnerability to a terrorist attack of high-level radioactive waste currently stored in storage pools located on top of 32 U.S. nuclear reactor buildings in 15 states.

The NRC Staff Denial will hold unless the NRC 5-member Commission reviews and overturns the staff's decision within 25 days. The Coalition filed an appeal to the Commission today asking for review.

The Nuclear Security Coalition filed their original Petition for Emergency Enforcement on August 10, 2004. It focused on the extreme vulnerability to terrorist attack of 32 General Electric Mark I & II Boiling Water Reactors whose design locates storage pools for highly radioactive "spent nuclear fuel" in the attic of the reactor building, outside primary containment, under sheet metal roofs vulnerable from 3 sides.

"It is disturbing that the NRC is more worried about security cost containment to protect industry than radiation containment to protect people," said Paul Gunter, Director of the Reactor Watchdog Project for the Washington, DC-based Nuclear Information and Resource Service." The NRC is attempting to conceal the fact that a large release of radioactivity as the result of a terrorist attack on these structures is entirely possible according to a congressionally mandated study by the National Academy of Sciences," he added.

The petition called for immediate steps to decrease vulnerability and, like the National Academy, for independent site specific analysis. Specifically, the Petitioners requested that NRC take 5 actions. The

NRC claims to have in effect granted 2 of those actions; however the Petitioners do not see it that way – in substance, all actions were denied.

“Before 9/11 the Federal Government listed a hurricane strike on New Orleans as one of the three most likely catastrophic disasters facing America. After 9/11, President Bush, CIA, 9/11 Commission, and the National Academy of Sciences listed nuclear reactors as prime terrorist targets vulnerable to attack - all bad, some worse because of the location of their fuel pools,” stated Mary Lampert, Director of Pilgrim Watch. Mary added. “Again the experts warned about nuclear reactors and told the government what to do; again they were ignored. The Federal Government took no adequate preventative actions to avert disaster in New Orleans and it looks like none will be taken here.”

Request for NRC Commission Review

The Coalition submitted an appeal today to the Commission to review and overturn the NRC staff’s denial. The appeal cited inherent procedural and substantive flaws in the staff’s review process and decision; and also asked the Commission to direct the NRC staff to hold a public meeting with the Nuclear Security Coalition to review the basis for their decision.

Substantive Flaws: Standard of Review

The Director’s denial is improper. The Petitioners contentions are factually supported by the National Academy of Sciences recent report, *Safety & Security of Commercial Spent Nuclear Fuel Storage* a report mandated by Congress and paid by taxpayers. Therefore it is now the findings, conclusions and recommendations of the Academy, and by extension those of the Petitioners, that are presumed to be correct - not NRC’s.

A standard of review requires that NRC demonstrate with facts, not as they did in their denial with broad brushed opinions, that no reasonable person could have reached the same conclusions as did the Academy’s panel of experts and by extension the Petitioners.

Procedural Issues

The staff based their final decision on a review of perhaps only some, not all, of the comments submitted on the Proposed Director’s Decision. Nobody knows, including the NRC, how many of the total submitted was reviewed by the staff or how many were lost - a serious flaw.

The NRC Director's Decision is available on NRC's Electronic Library-
Accession Number "ML051960343;" the Petition is available on Adams –
Ascension Number "ML042370023,"and, the Coalition's appeal is attached.

APPENDIX

U.S. Commercial Reactors with Elevated Radioactive Fuel Storage Pools

GE Boiling Water Reactors - Mark I Containments (24 Units)

Browns Ferry 1,2 &3 - Decatur, AL
Brunswick 1&2 - Southport, NC
Cooper - Brownville, NB
Dresden 2&3 - Morris, Ill
Duane Arnold - Palo, IA
Edwin hatch 1&2 – Baxley, GA
Fermi 2- Monroe, MI
Hope Creek- Artificial Island, NJ
Fitzpatrick – Scriba, NY
Millstone 1- Waterford, CT
Monticello – Monticello, MN
Nine Mile Point Unit 1- Scriba, NY
Oyster Creek- Lacey Township, NJ
Peach Bottom 2&3- Delta, PA
Pilgrim I – Plymouth, MA
Quad Cities 1&2 – Cordover, IL
Vermont Yankee – Vernon, VT

General Electric Boiling Water Reactor- Mark II Containments (8 units)

LaSalle 1&2 –Seneca, IL
Limerick 1&2- Pottstown, PA
Nine mile Point Unit 2- Scriba, NY
Susquehanna 1&2 – Berwick, PA
WNP-2 - Columbia