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NRC Denies Licensing Contentions on the Risk of Sabotage
At U.S. Nuclear Facilities
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The Nuclear Regulatory Commission (NRC) in a mid-December 2002 combined ruling has denied the public the right and due process to readdress known vulnerabilities in nuclear facility security through the agency's license intervention process. In a unanimous decision, the five Commissioners swept aside challenges in four separate public licensing proceedings involving NIRS, the Blue Ridge Environmental Defense League, the Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone, the State of Utah and Georgians Against Nuclear Energy. NIRS and the other security minded intervenors sought to assess the risk of sabotage from terrorism associated with re-licensing proceedings for Duke Power's Catawba and McGuire reactors, the proposed use of plutonium oxide fuel (MOX) in the reactors, the expansion of Millstone's irradiated fuel storage ponds, the establishment of an intermediate nuclear waste storage site on the Goshute's Indian Reservation just 45 miles from Salt Lake City, Utah and the construction of the plutonium oxide fuel fabrication plant at Savannah River, Georgia.

In light of the clear and present danger posed by the September 11 terrorist attacks, the NIRS challenge consisted of 14 security and terrorist-related concerns regarding the 20-year license extension of Duke Power's North and South Carolina reactors. The NIRS contentions focused on unanalyzed structural vulnerabilities including the possible sabotage of dams on Lake Norman and Lake Wylie vital to the service of the reactors' cooling systems, the vulnerability of the reactor containment buildings and the irradiated fuel storage ponds to an attack by a high-jacked commercial aircraft or a large truck bomb, the reliance of reactor safety systems on an electrical grid system vulnerable to recurrent sabotage and the impact of the use of MOX fuel on attracting a devastating radiation-enhanced attack. An Atomic Licensing and Safety Board (ASLB) had referred the decision to include these security contentions in the Catawba/McGuire re-licensing hearing to the Commissioners in January 2002.

While refusing to address the actual structural vulnerabilities at the nuclear reactors and the protracted risks associated with license extension and such security deficiencies, the five Commissioners instead chose to reject all intervenor arguments on the "unquantifiable threat of terrorism." "It is decidedly not predictable," said the Commission Order, because there would be "no meaningful way" to postulate the probability of a specific facility being the target of a terrorist attack. "Therefore, consideration of those issues in a license renewal proceeding would be unnecessary and wasteful," the Commissioners added. Similarly, the Commission ruled that threat of terrorism to be too speculative to consider in any licensing proceeding. "As there appears to be little practical benefit in conducting a license renewal terrorism review, the Commission has no duty under NEPA [National Environmental Protection Act] to do

so,” concluded the Order. The Commission directed the ASLB to reject security contentions for all of the intervenors.

Despite the Commission’s heavy-handed denial, nuclear power plants, nuclear waste storage and transport casks, plutonium-fuel fabrication facilities remain pre-deployed “dirty bombs” and targets of opportunity for enemies seeking to inflict mass civilian casualties and widespread, long-term economic damage.

The precedent to narrow the scope of licensing proceedings so as to “not unduly alarm the public” is more illustrative of NRC’s determination to hide the industry’s inability and unwillingness to afford the cost of turning nuclear power plants into fortresses. It is only more alarming that the NRC is willing to turn a blind eye and simultaneously blindfold the public on these security issues rather than justifiably deny a facility license, an extension or shut down a vulnerable reactor through the adjudicatory process. The NRC decision clearly serves to paint the enlarging picture that an inherently dangerous nuclear power technology is incompatible with democratic society.