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Environmental Justice Fight Over Radioactive Waste in Unlicensed Landfills

CBG has disclosed efforts by the federal and state nuclear agencies to deregulate much radioactive waste. In order to save money for industry, these agencies are quietly permitting radioactive waste to be sent to municipal and other landfills not designed or licensed for such wastes. Many of these landfills are located in minority and/or low-income communities.

Earlier this year we disclosed dozens of truck shipments of radioactive waste to a landfill in the Central Valley of California, the state's agricultural heartland. The dump is located in a low-income, Hispanic area. A group of local residents, called PADRES, based on our disclosures has filed an appeal of the facility's permit conditions in an effort to block future radioactive waste shipments. CBG's Dan Hirsch served as an expert witness on behalf of PADRES before a Tanner Act Board.

We also revealed that thousands of tons of radioactive waste were disposed of at a municipal landfill in a low-income area of the North San Fernando Valley. New efforts by state and federal agencies to deregulate more



radioactive waste will result, if not stopped, in far larger amounts of such waste going to dumps designed only for regular household garbage. Sending radio-active waste to places not capable of safely handling it is a recipe

for serious health and environmental problems.

During the coming year, we will be organizing to bar radioactive wastes from landfills not licensed and designed for such wastes.

Special thanks to Gary Oliver for use of his editorial cartoons and to Rich Curtis for design and production. We gratefully acknowledge the generous support of the W. Alton Jones, Deer Creek, and Liberty Hill Foundations, the Educational Foundation of America, and scores of individual donors. Bridge the Gap has been quoted in dozens of news articles over the year in outlets such as the Associated Press and Reuters newswires, *Christian Science Monitor*, *Newsweek*, *Los Angeles Times*, and *Boston Globe*. A sampling of newsclips is available from CBG upon request.

committee to BRIDGE the GAP

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September 11 and the Risks of Nuclear Terrorism

The terrorist attacks against the World Trade Center and Pentagon, as horrendous as they were, have made many worry about what might be next. Chief among these concerns is that terrorists may target nuclear facilities and cause massive radiation release.

For fifteen years, the Committee to Bridge the Gap (CBG) has been pushing for upgraded security at the nation's nuclear plants. We have warned over and over again that possessing nuclear reactors gives to one's adversaries a quasi-nuclear capability to use against you. A nuclear power plant contains one thousand times the long-lived radioactivity of the Hiroshima bomb, and its spent fuel pool some multiple of that. Hundreds of thousands of cancers can result from a successful terrorist attack that results in a radioactive release.

Nonetheless, the security regulations of the Nuclear Regulatory Commission (NRC), with one exception, haven't been upgraded in a quarter of a century, despite a dramatic increase in the terrorist threat. These extraordinarily lax rules say that reactor operators are only required to protect against attacks by no more than three external attackers acting as a single team and no more than one insider. Reactors don't have to have protections against attacks by air or boat, nor by "enemies of the United States," be they governments or individuals. A mere five guards are required by the regulations.

In 1994, a decade's work by CBG, in collaboration with the Nuclear Control Institute (NCI), finally resulted in the NRC revising one aspect of its regulations, at last requiring some protection against truck bombs. CBG had revealed that NRC's own studies had concluded that truck bombs could cause "unacceptable damage to vital reactor systems," i.e. a meltdown. Even this one victory has been only partial, however, as the truck bomb rule apparently still doesn't require protection against larger size truck bombs.

Despite the trivial attacking force presumed in the NRC security requirements for nuclear reactors, roughly half of the nuclear plants in the country have failed "black hat" force-on-force exercises based on that threat. These tests, in which mock terrorists attempt to breach the security at a reactor, were conducted with six months advance notice—something no terrorist would provide—and yet nearly one in every two reactors failed. The very small group of mock terrorists were able to

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December 2001

A Letter to Help the Year End

Dear Friends,

"My God, they're asleep at the switch!" she whispered, as though not to wake them. We had just completed testifying before the nuclear security subcommittee of the NRC's Advisory Committee on Reactor Safety, outlining grave deficiencies in the NRC's requirements for protecting nuclear facilities from terrorists. The subcommittee members, it turned out, could care less.

One said, "If we fix the problem of vulnerability to truck bombs, we'd have to do something about the risk from boats or planes. Where would it end?" (The comment would turn out to be quite ironic years later when terrorists used planes to attack the World Trade Center and Pentagon). One of his colleagues jumped in, saying there were even easier ways to destroy a reactor than a truck bomb, suggesting – while a court transcriber recorded every word in a public record – just how to do it. "Explosive ribbon around one of the main coolant pipes," suggested a third, followed by a raft of eager suggestions from his colleagues of other ways for a terrorist to create a meltdown.

Intimately aware of how easy it would be for terrorists to release massive radioactivity, and how unprotected the nation's reactors were from any serious terrorist threat, these NRC "experts" were blissfully unwilling to take any steps to fix the obvious problems, for fear of costing industry money. The potential costs in human life should a terrorist take advantage of the grossly inadequate security and target a reactor did not seem to register as even a factor to consider.

It was quite an education for Stephanie Murphy, this NRC hearing seventeen years ago. A student of mine in the UC Santa Cruz Nuclear Policy Program, she had been a research assistant in our project which disclosed that NRC security rules required no protection whatsoever for reactors against truck bombs, despite studies showing they could produce meltdowns.

We had charted the increasing

number and severity of terrorist attacks worldwide, demonstrating that the NRC's "three-and-one" design basis threat – an assumption that the maximum terrorist attack would involve no more than three external attackers and/or one insider—was severely outdated at best. Along with Dr. Bennett Ramberg, then a researcher at UCLA, we prepared a detailed report on the need to upgrade security at the nation's reactors, and flew to Washington to present the findings to the key group at NRC responsible for the matter.

The response was not what Stephanie's standard government textbooks would have suggested. These policymakers were completely uninterested in good policy to protect the public and instead solely concerned with what the nuclear industry wanted. Stephanie had just come face to face with the stubborn reality of much of government today – the "captured" regulatory agency, captured by the industry it is to regulate. The result was the public being placed at great risk from reactors largely unprotected from terrorist attack.

The next day, we held a news briefing on the subject. I had stayed

up much of the night preparing the materials for the press. Only one reporter showed up. I remember walking the streets of Washington later that day, exhausted and depressed. Hundreds of thousands of casualties could result from these vulnerabilities at nuclear plants, yet the responsible agencies seemed in the pocket of the plant operators, and the press was uninterested. Why keep fighting it?

Yet somehow, one shook off the tiredness and kept going. Joined a few years later by the Nuclear Control Institute, we kept petitioning the NRC, testifying before Congress, pushing the matter forward. It took a decade of hard work, but finally the NRC reluctantly agreed to change its regulations to require truck bomb protections.

But NRC just wouldn't budge on upgrading the rest of its security rules. In 1991, we formally petitioned to have the design basis threat changed from a single group of three terrorists to twenty attackers working in coordinated teams. The NRC once again rejected our petition, **claiming that there was absolutely no evidence that there could ever be a terrorist**

quacy of those regulations. Additionally, the UCLA study, like earlier studies at Hanford and Oak Ridge, among others, found radiation to be approximately an order of magnitude more dangerous than assumed by government agencies in setting dose limits.

We helped get an independent advisory committee to oversee the public health studies. CBG's Dan Hirsch serves on the committee and is its co-chair. The advisory committee is now turning its attention to possible health impacts of the Santa Susana site on the surrounding community.

Additionally, for a decade CBG's Hirsch has also served on the SSFL Inter-Agency Work Group, overseeing the cleanup of the contaminated site. This year has seen significant victories, and significant reversals.

For five years, EPA has promised that it would have Gregg Dempsey of its Las Vegas Radiation Laboratory direct an independent, comprehensive radiation survey of the site. It was Dempsey who had found, in 1989, that Rocketdyne was washing the radioactivity off its vegetation samples before monitoring them. The survey was to be to EPA's strictest cleanup standards and cover all potentially affected parts of the property.

Shortly after the Bush Administration took office, EPA announced that it was breaking its promise to do the survey. There was a huge outcry, from the public, elected officials, and in the press.

At the same time, the Administration proposed slashing the cleanup budget for the site. Again, we took the issue to the press.

In both cases, we were able to win reversals. The funding appears to have been restored, and EPA's Administrator Whitman announced EPA would live up to its commitment to the Dempsey survey.

However, EPA regional staff have subsequently broken the promises again, saying: Dempsey won't direct the survey as promised; it wouldn't even be conducted by EPA, as had been promised, but by a contractor; it wouldn't be to EPA's strict cleanup guidance; and it wouldn't cover the whole potentially affected areas on the site or look for most radionuclides. We will now have to fight once again to try to get the agencies to live up to their word.

Most critically, EPA is now apparently breaking its promise, repeated over many years, that it would insist on the site being cleaned up to EPA's cleanup standards, rather than the far more lax standards employed by DOE. CBG had disclosed that DOE was permitting radioactivity to be left behind at the site in amounts EPA estimated could produce cancer in one in every 50 people exposed – a far higher risk than the standard one-in-a-million risk EPA normally permits. For years EPA formally insisted that DOE was bound by EPA's more protective standard.

Now, with the change in Administration comes an apparent change in policy. EPA now says the site doesn't have to be cleaned

up to its standards, that far more radioactivity can be left in the soil. Again there is a conflict between regional staff and the EPA Administrator in Washington, who promised Senators Feinstein and Boxer in writing that EPA would assure the site was cleaned up to EPA's strict standards.

So we have more fights ahead, trying to force effective cleanup. **The battle has national implications, as it will affect what standards are used in the cleanup of contaminated DOE nuclear sites around the country. If it wins, DOE can save a lot of money if it doesn't have to clean up these sites to adequate levels. Lives will be saved if we win.**



Bridge the Gap Files Suit Over State Radioactive Cleanup Standards

The California Department of Health Services (DHS), which had been our adversary in the Ward Valley fight for years, recently adopted new regulations governing cleanup of radioactively contaminated sites in the state. They are grossly weak. Even the EPA has "non-concurred" on the rules, saying they are non-protective of public health.

The rules would permit enough radioactivity to be left behind at a contaminated site, rather than be cleaned up, to produce 25 millirem/year of exposure to the public. That is the equivalent of 170 extra chest-X-rays over a lifetime. **The rules say that if a company can't meet that standard, it can fall back to 100 or even 500 millirem/year public exposure, or up to 3500 additional chest X-rays.** No one gets even a single X-ray when there isn't some medical benefit, because of the incremental additional cancer risk from the radiation. 500 millirem/year, according to official governmental estimates, **will cause a fatal cancer in one in every sixty people exposed—an extraordinary risk level.**

EPA has said it does not understand why radiation is given a "protected status" afforded no other carcinogens. Chemical carcinogens are regulated in the 1 in 10,000 to 1 in a million risk range. Radiation, by contrast, is permitted to produce far higher risks. EPA has opposed nationally the cleanup standards proposed by DHS, yet California has adopted the least protective standards possible.

CBG, again represented by Larry Silver of CELP, has filed suit against the State of California to block the lax regulations. Despite the grave environmental impacts these rules would pose, by permitting very high concentrations of radioactivity to be left at contaminated sites rather than cleaned up, **DHS performed no environmental review whatsoever.** Instead it claimed the rules were entirely exempt from the California Environmental Quality Act (CEQA). Our suit alleges that DHS violated CEQA by failing to prepare an Environmental Impact Report.

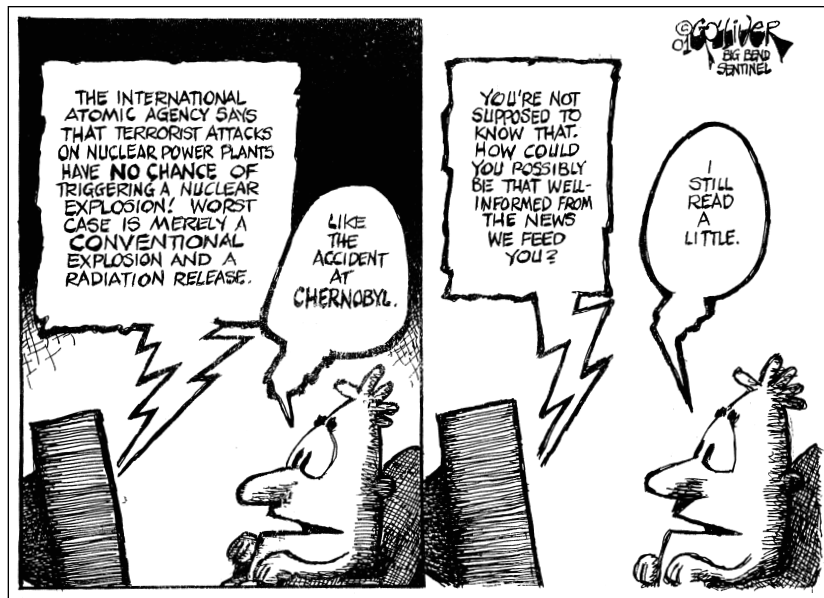
The protection of communities across the state will be affected by this suit. **If a radioactive site can be left contaminated, every time the rain falls or the wind blows, radioactivity will migrate into the nearby community and place at risk its residents.**



nuclear reactors, were to have been dumped at Ward Valley. Five hydrologic pathways connected its aquifer to aquifers feeding the Colorado River. Seminal studies we performed showed that rapid migration of radionuclides could be expected. One of the showstoppers occurred when we disclosed that a twin facility, operated by the same company a few hundred miles away in Nevada, had already leaked, despite claims, as had also been made for Ward Valley, that such leakage wouldn't occur for thousands of years.

It has been an epic battle, with huge forces arrayed against the critics of the project. There were a dozen times when all seemed lost, and a combination of extraordinarily hard work and a bit of luck resulted in stopping the dump again. Many of you were involved in this fight and contributed to the victories, for which we are very grateful. The struggle has had national ramifications.

In the last several years, the dump proponents have lost, and CBG has won, a series of lawsuits, most critically in the U.S. District Court and the Court of Appeals for the District of Columbia. This year has seen two more victories. First, the Court of Appeals for the Federal Circuit threw out an appeal of the dump company's loss in the Court of



Claims. And subsequently, the California Court of Appeals affirmed our lower court victory that found the state could not be compelled to go forward with the Ward Valley project. One secondary matter, which involves a claim for damages from the state, was remanded to the Superior Court for further consideration. But the key claim – that the state should be directed to go forward with the Ward Valley dump – was rejected both by the lower court and the court of appeals.

Petitions for review by the California Supreme Court have been filed, and CBG, ably represented by Larry Silver of the California Environmental Law Project (CELP), continues to fight the project in that forum as well. Many other groups that were involved in the Ward Valley cause have moved on to other matters, viewing the battle as won (Americans for a Safe Future and Physicians for Social Responsibility are key exceptions). CBG will stay on until it is finally and completely over.

Santa Susana Nuclear Facility

A meltdown occurred at a reactor in Southern California in 1959, kept secret for two decades until Bridge the Gap released information about it in 1979. Ever since, we have been involved with the Santa Susana Field Laboratory (SSFL), a nuclear site operated for the Atomic Energy Commission and now the Department of Energy. Star Wars laser work, rocket testing for the Defense Department, and munitions development have also occurred there.

SSFL, located at the boundary of Los Angeles and Ventura Counties, was founded in the 1940s. In the decades since, approximately a dozen nuclear reactors operated there, plus a plutonium fuel fabrication facility, and a "hot lab" to decontaminate irradiated nuclear fuel, among other activities. 30,000 rocket

tests have been performed at the site as well. It is operated by Rocketdyne, until a few years ago a division of Rockwell International, now a division of Boeing.

In 1989, a DOE report found widespread radioactive and chemical contamination throughout the facility. A quarter-billion-dollar cleanup operation commenced. The same year, EPA found that little if any confidence could be had in Rocketdyne's radiation monitoring. For example, **EPA found that the company was washing vegetation samples before monitoring them for radioactivity, as well as heating them to a high temperature to drive off the remaining volatile radionuclides.**

CBG was asked by the local community to provide assistance. We helped them intervene in an NRC

relicensing proceeding for the hot lab, which resulted in DOE and Rocketdyne announcing they were permanently closing the nuclear facility. The only nuclear activity that would continue would be cleanup. **This was a huge victory, the first time community groups shut down an unsafe DOE nuclear facility.**

We also helped the community arrange for independent epidemiological studies of the workers. The study, performed by a team from the UCLA School of Public Health, found the higher exposed workers had 2-3 times the death rate from key cancers than lesser exposed workers at the same site. **Importantly, the study found that the workers were dying of radiation-induced cancers at doses far below regulatory limits, raising serious questions about the ade-**

threat greater than three people operating as a single team. This foolhardy claim would come back to haunt them in the wake of the attack by nineteen terrorists on four planes on September 11.

Over these seventeen years of fighting to upgrade reactor security, including most recently the intense work in the days after the World Trade Center attacks, there have been more times than I can recount like those first days in Washington so many years ago. We have been unable to get anyone to act to fix the problems, finding instead, in Stephanie's marvelous words, that those responsible were in fact "asleep at the switch." Incredibly fatigued by and frustrated with it all, one couldn't help wondering why one should keep hitting one's head against a very hard wall.

And yet, if we hadn't kept fighting, reactors would today still be completely defenseless against truck bombs. And if we all don't keep pushing, there is no chance the rest of the security weaknesses will be addressed. There are simply too many lives at stake. How could one live with oneself if a terrorist succeeded in causing a meltdown at one of these nuclear sites and one hadn't done everything one could to prevent it? So, you re-gather your strength, and keep on pushing.

With all the flagwaving and rally-round-the-government response understandably encouraged in the wake of September 11, I hope we are careful not to lose two critical insights necessary to the proper functioning of a democracy: First, that without sufficient scrutiny, government is often "asleep at the switch" when it comes to policy protecting the public as opposed to powerful private interests. And second, that the public interest cannot be guaranteed by solely leaving it up to captured government officials, but rather that we all have to shake off the feelings of futility and exhaustion and once more put our shoulders to the boulder, trying again and again to push it up the mountain. It is that moment of turning again, voluntarily taking up the burden despite the apparent absurdity of it all, that in Camus' terms defines a person who is human, alive, free. So, shake off the sense of futility, place body against rock, and push!

— Dan Hirsch

Efforts to Revive the Nuclear Enterprise

Earlier this year, Vice President Cheney issued an Energy Policy for the new administration. Among its key components were breathtaking proposals to revive the moribund nuclear power industry. The Cheney proposals included:

- Building dozens of new reactors, including a very dangerous new design called the "Pebble Bed Reactor."

- Lifting the 25-year-old bipartisan ban on reprocessing spent fuel, a process by which plutonium is separated out for further use. Presidents Ford and Carter had imposed the ban because of the nuclear proliferation risk in having separated weapons-usable plutonium in commerce.

- Employing a new reprocessing technology called "pyroprocessing," which would make acquisi-

Radioactive Spoons and Zippers

The Bush Administration is proposing to permit radioactively contaminated metals from the nuclear weapons complex and commercial nuclear plants to be recycled into consumer products. Instead of disposing of such radioactive waste properly in licensed disposal sites, the new policy would allow the contaminated metals to be sold as scrap and enter the consumer metal supply as anything from spoons to earrings to kid's braces and surgical pins.

Bridge the Gap, in collaboration with the Nuclear Information and Resource Service and other groups, played a key role in getting the previous Administration to ban the practice. Now the Department of Energy is proposing to open the floodgates and use the American public as a receptacle for its radioactive waste. We testified at DOE hearings on the matter and helped generate a fair amount of press coverage of this crazy idea.

The fundamental rule of radiation protection is that radioactive waste must be isolated from the human environment. These proposals would turn that principle on its head – purposely distributing radioactive waste into products used by all Americans, often in intimate human contact. The cancers and leukemias that would be created by placing radioactive waste in products that the entire population uses seem to the nuclear agencies a small price to pay to save the money that proper disposal would require. The people who would come down with those cancers, however, and their families and friends, might think otherwise.

The issue came to a head last year when CBG disclosed that hundreds of tons of metals with residual radioactivity from dismantling old reactor facilities at the Department of Energy's Santa Susana nuclear site had been sold as scrap to a metal recycler in San Pedro. We took the story to the *LA Times*, and its story triggered a story on the NBC Nightly News, which contributed to then-DOE Secretary Richardson shortly thereafter announcing he was banning the practice of recycling radioactive metals.

However, shortly after the change in administrations, the new DOE Secretary issued an announcement that the Department was considering lifting the ban and commencing such recycling of contaminated metals in a huge way. Up to a million tons of metals from dismantling the nation's nuclear bomb factories could be recycled under the proposed policy. Furthermore, the NRC is considering permitting recycling into consumer products radioactive wastes from civilian reactors as well. Our work therefore continues, trying to prevent the U.S. population from being used as a radioactive waste disposal dump.

tion of plutonium easier, cheaper, and more concealable.

- Proceeding with the proposed high level waste repository at Yucca Mountain, despite a raft of troubling safety problems and grossly relaxed radiation standards.
- Renewal of Price-Anderson liability protection for the nuclear industry. Official estimates of damages from a reactor meltdown extend into the hundreds of billions of dollars. The nuclear industry wants to be immunized from liability for all but a few billion, a protection given no other comparable industry.

Bridge the Gap was on numerous television and radio shows as well as in many newspaper stories responding to these proposals. These ranged from the Lehrer NewsHour on PBS to the *Los Angeles Times* to public broadcasting radio debates.

New Reactors

We have been attempting to disclose during these interviews the facts otherwise obfuscated by the industry in its rather extraordinary PR offensive. For example, the nuclear revivalists have been trying to sell the new “Pebble Bed” reactor as inherently safe—meltdown-proof as they like to say. What they haven’t disclosed is that in order to save money, they propose building these new reactors without the thick concrete “containment” dome required of current reactors to prevent radiation release in case of accident. They also propose to build them with virtually no evacuation zone, again to save money, and without having to have most of the equipment “safety grade.” Even more critically, the reactors would be built out of graphite, the flammable material which burned at Chernobyl. Unlike current water-cooled reactors, these new ones would catch fire if they lost their helium-coolant. A nuclear fire is even worse than a traditional meltdown, providing a driving force that spews out radioactivity into the environment. And a flammable reactor without a containment is even more of a terrorist target than are today’s nuclear plants.

The industry further proposes gutting the public hearing process so that none of these safety issues can be raised – apparently the only way one could get such dangerous devices approved.



Plutonium Reprocessing

As to the new reprocessing technology proposed, “pyroprocessing,” Bridge the Gap has been fighting it for nearly a decade after publicly disclosing its details. We succeeded in shutting down one of the pyroprocessing projects, called “TRUMP-S”, but another, in Idaho, continues. Pyroprocessing is a new technique for reprocessing, i.e., getting weapons-usable plutonium out of irradiated fuel. It is extraordinarily dangerous from a non-proliferation and nuclear terrorism standpoint, because the primary barrier to acquisition of nuclear weapons is the difficulty in acquiring the nuclear materials. **This new technology is designed to make that far easier, far cheaper, and capable of being done in a much more compact way, thus more concealable.**

This country abandoned commercial reprocessing, using the older technology, a quarter of a century ago because of concerns that a “plutonium economy” would make acquisition of nuclear weapons far easier. This ban has been a bipartisan policy. Plans to have large amounts of plutonium in commerce can only increase the risks of rogue states or subnational groups obtaining weapons-usable materials and making nuclear weapons from them. The events of September 11, one would think, would throw cold water on such a dangerous scheme, but it is still being pushed.

Yucca Mountain

The push to open Yucca Mountain for high level waste is equally troubling. The plan was initially to evaluate six sites in various parts of the country to determine which was most suitable scientifically for such extraordinarily toxic and long-lived wastes. But five of the six states at the time had more political clout than Nevada – no other state in the union has a smaller Congressional delegation – and the list got narrowed to just one. Yucca Mountain originally was claimed to be safe because supposedly there had been no migration of water in the mountain for tens of thousands of years. However, tritium from nuclear bomb tests was soon found deep inside the mountain, showing rain had infiltrated in just a few decades.

Because the industry and agencies recognized the site couldn’t meet current standards, they changed the standards. The new radiation rules for Yucca would permit peak doses to the public that are tens of thousands of times higher than what is permitted at the operating reactors that produce the waste. Indeed, Hiroshima type fatal doses would be permitted under these extraordinarily relaxed rules – relaxed just so an unsafe site could be licensed.

Furthermore, getting the waste to Yucca will be problematic at best. Tens of thousands of shipments by truck and rail, with the potential for accident or terrorist attack. Each rail

shipment would contain more long-lived radioactivity than Chernobyl. The recent fire involving a train carrying toxic materials in a Baltimore tunnel demonstrates the problem. That fire burned for five days, reportedly reaching temperatures in excess of 1500 degrees. Casks for shipping radioactive waste are designed to withstand only a fire of 1475 degrees, and only for thirty minutes. In fires longer than that, tests resulted in the lead shielding melting and valves failing with part of the contents venting into the environment. **Imagine if that Baltimore fire had involved high level radioactive waste; the releases could have devastated that city.**

Building more reactors to produce more waste raises very serious questions when we don’t know how to safely dispose of, or even transport for disposal, such extraordinarily toxic and long-lived material.

Bridge the Gap will, in the period ahead, be working to address the risks inherent in the efforts for a revival of the nuclear enterprise.

Ward Valley Update

Many Victories... but not quite over

For more than a decade, we have fought proposals by the nuclear industry to dump radioactive waste in unlined trenches at Ward Valley, California, 18 miles from the Colorado River, the main water source for much of the Southwest. The company that wished to operate the dump has a troubled history, leaving behind a trail of leaking nuclear dumps elsewhere in the country, including one that is a Superfund site. Ward Valley is located near five Native American tribes, raising significant environmental justice issues as well.

Large amounts of long-lived radioactive waste, almost all from

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September 11 and the Risks of Nuclear Terrorism

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breach the reactor’s security and reach their “target set.” Had they been real terrorists, they could have produced a meltdown.

In 1998, CBG obtained documents indicating that in the face of these extraordinary failures, NRC had decided to kill off the program which ran the tests rather than fix the security problems. Called OSRE (for Operational Safeguards Response Evaluation program), it was the NRC’s only counter-terrorism effort. We took the documents to the press, and the subsequent public outcry resulted within days in the NRC Chairperson announcing that the program was being reinstated. A great victory!

However, victories in this arena are rarely permanent, and the nuclear industry and NRC immediately began working to gut the OSRE program. Industry has proposed, and NRC has agreed, to substitute an industry-run self-evaluation program for OSRE. Talk about the proverbial fox running the chicken coop.

Last year, CBG and NCI met with NRC Chairman Richard Meserve to once again urge that the security regulations for reactors be upgraded. The meeting was fruitless.

Within days of the September 11 tragedy, we wrote to Chairman Meserve, urging that he immediately call for the stationing of National Guard troops at the nation’s reactors; instigate a thorough re-vetting of reactor employees and contractor personnel and institute strict additional measures to protect against attacks by insiders; and finally revise the security regulations to protect against attacks of the magnitude evidenced on September 11.

CBG pointed out that the assumptions behind the existing regulations had crumbled when the World Trade Center collapsed:

- NRC regulations presume no more than three attackers; There were nineteen on those planes.
- The NRC rules require no protection against multiple coordinated teams; the terrorists were in four separate, coordinated teams.

■ NRC has assumed terrorists wouldn’t want to take large numbers of lives; thousands died in these attacks.

■ NRC’s minimal protections are based on the presumption it would get advance intelligence information of any prospective attack; no such intelligence provided effective warning of the 9/11 events.

■ NRC rules do not require protection against attacks by boat or air; yet by air came these terrorists.

The reply by Chairman Meserve to our letter was predictable and completely consistent with our 15-year history with the agency on this issue. He said the NRC was constantly reviewing its regulations, but made no commitment whatsoever to upgrade any security requirement. Whenever there is a problem, NRC punts by saying it is undertaking a review of the matter. We can’t wait, with **103 operating reactors** and numerous other nuclear targets inadequately protected.

So, on September 25, CBG and NCI held a news conference at the National Press Club in Washington, D.C., releasing the correspondence with NRC Chairman Meserve, describing the response as severely inadequate given the threat, and calling for urgent steps to be undertaken to protect the nation’s nuclear facilities from terrorist attack. There was extensive coverage of the news conference, and we have done dozens of interviews since. **Yet the NRC still hasn’t budged; the old, grossly inadequate security regulations remain in place; the OSRE program is still being replaced by industry self-regulation; and the nation’s reactors remain insufficiently protected.**

We will continue to work for thorough security at these nuclear sites. **The consequences of a successful terrorist attack and the consequent radiation release are simply so immense that one cannot permit a short-sighted industry and its captured regulatory agency to continue to operate as though it were “business as usual.”**