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**A CALL FOR ACTION
TO PROTECT THE NATION AGAINST ENEMY ATTACK ON
NUCLEAR POWER PLANTS AND SPENT FUEL**

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The Call

Nuclear power plants and their irradiated (spent) fuel are potential radiological weapons that await activation by a foreign or domestic enemy. The effects of an attack could be disastrous locally and nationally. Yet, Nuclear Regulatory Commission (NRC) regulations require only a light defense of nuclear facilities. Moreover, the risk of attack has risen in recent years and may rise further in the aftermath of the Iraq war. It is now imperative that nuclear facilities be protected as part of a national-security strategy that provides an appropriate balance of offense and defense. Protective measures are available that could significantly reduce the risk of radioactive contamination of our homeland (see Table 1). Implementation of these measures will require action by all sectors of society (see Table 2).

Citizens must inform themselves about this threat and require responses from every level of government. Local and state governments must become partners with the federal government in understanding the threat and implementing protective measures. Congress and the executive branch must remove the institutional barriers that have prevented action to date, work closely with state and local governments to protect citizens against the threat, and develop policy tools that support this mission (see Table 3).

The Mothers for Peace has initiated this Call for Action. We seek your support in spreading the Call across the United States and demanding action from governments. Our local efforts are focused on obtaining protection for the Diablo Canyon nuclear power plant through a precedent-setting lawsuit. We argue that federal law requires the preparation of an environmental impact statement (EIS) before the licensing of a nuclear facility, in order to assess the facility's vulnerability to attack and the options for providing protection.

TABLE 1: Measures to Protect Nuclear Facilities against Enemy Attack

This table outlines four types of measure that, taken together, could provide defense in depth for a nuclear facility. Protection would be most effective if measures were integrated into the design of a facility before its construction, but significant protection could be provided at existing facilities.

Site Security

Site-security measures could reduce the potential for successful implementation of destructive acts at a nuclear site. Some site-security measures (e.g., airport security measures) would be implemented at offsite locations. Other measures would be implemented at or near the site. Physical-protection measures now required by NRC regulations are in the latter category. More stringent physical-protection measures should be introduced.

Facility Robustness

Facility-robustness measures could improve the ability of a nuclear facility to survive a destructive act without releasing a significant amount of radioactive material to the environment. As a high-priority example, spent-fuel pools at nuclear power plants should be re-equipped with low-density racks, to reduce the risk that spent fuel will self-ignite and burn following loss of water from a pool. Excess spent fuel should be moved to hardened, dispersed dry storage on the site.

Damage Control

Damage-control measures could provide nuclear-facility operators with a capability to prevent or limit the release of radioactive material from a facility that is damaged by a destructive act. Measures of this kind could be ad hoc or pre-engineered. An example would be the capability to patch a hole in a spent-fuel pool, thereby precluding a spent-fuel fire.

Offsite Emergency Response

Emergency-response measures (e.g., sheltering) could reduce the potential for exposure of populations to radiation following a release of radioactive material from a nuclear facility. Measures of this type would be in many respects similar to emergency-response measures intended to accommodate "accidental" releases of radioactive material that arise from human error, equipment failure or natural forces.

TABLE 2: Action Agenda to Protect US Nuclear Facilities against Enemy Attack

Action by Citizens

- Learn about the threat.
- Join citizen groups and promote the Call for Action.
- Require action from local, state and federal governments.
- Follow up to ensure that protective measures are implemented.

Action by Local and State Governments

- Facilitate public education and debate; establish citizen advisory councils; support legal initiatives for improved protection; demand action from higher levels of government.
- Local governments: Strengthen emergency-response capability; increase surveillance of potential instruments of attack (e.g., general-aviation aircraft).
- State governments: Establish independent capability to review threat assessments, vulnerability assessments and plans for protective measures; support local governments.

Action by Congress

- Direct the executive branch to include protection of nuclear facilities as a national-security objective.
- Legislate and provide oversight to ensure that the federal government works with local and state governments to protect nuclear facilities, without creating unfunded mandates.
- Legislate a process of security-impact assessment.
- Fund protective measures promptly; ensure that the nuclear industry pays appropriate costs (e.g., full costs of security after license extension).

Action by the Executive Branch

- White House: Incorporate nuclear-facility protection in national-security planning.
- Homeland Security: Integrate nuclear-facility protection with other homeland-security measures.
- NRC: Integrate nuclear-facility-protection measures with safety and environmental regulation; develop partnerships with state governments; establish advisory committee on nuclear-facility protection.

Action by the Nuclear Industry

- Do not disseminate propaganda or subvert the political process.
- Become a partner in protecting the nation.

TABLE 3: Policy Initiatives that are Needed

This table outlines three specific policy initiatives that would be key components of the action agenda set forth in Table 2.

NRC Regulation 10 CFR 50.13

The NRC has a longstanding policy, formalized in 1967 by the adoption of the regulation 10 CFR 50.13, that its licensees are not required to design or operate facilities so as to resist attack by an enemy, "whether a foreign government or other person". This policy has been modified twice. In 1994 the NRC introduced a regulation requiring licensees to defend nuclear power plants against land-vehicle bombs. In 2002 the NRC required additional, interim measures by licensees to protect nuclear facilities. Nevertheless, nuclear sites remain lightly defended. Systematic protection of nuclear facilities will require the repeal of 10 CFR 50.13 and its replacement by regulations that address nuclear-facility protection in the context of national security.

Environmental Impact Statements

In 2002, four citizen groups and the state of Utah intervened in separate NRC licensing proceedings, arguing that federal law requires the preparation, before the licensing of a nuclear facility, of an EIS that assesses the facility's vulnerability to attack and the options for providing protection. Intervenors described a process whereby an EIS could be prepared without disclosure of sensitive information. The NRC dismissed all five of these interventions. California Attorney General Bill Lockyer states that the NRC's decision "is flawed, and will not survive judicial scrutiny". With or without a court ruling to this effect, the NRC should reverse its decision and prepare EISs. This application of EISs could be supplemented later by the use of security impact statements (see below).

Security Impact Statements

The risk of attack on nuclear facilities and similar critical targets has risen in recent years, and may rise further in the aftermath of the Iraq war. The objective of such an attack would probably be to create impacts on the homeland as a whole, the attacked facility itself perhaps being incidental to this purpose. Thus, reducing the risk of attack is a common-property task, analogous to protecting the environment. Preparation of security impact statements (SISs) that are analogous to EISs would facilitate the making of strategic, cost-effective decisions about investing in the protection of critical targets. Congress should enact legislation requiring the preparation of SISs.