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NEWS RELEASE

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Public Citizen and San Luis Obispo Mothers for Peace Challenge Nuclear Regulatory Commission's Inadequate Security Rule

Final Rule Doesn't Protect Against 9/11-Style Terrorist Threats As Required By Congress

WASHINGTON, D.C. – The U.S. Nuclear Regulatory Commission's (NRC) new rule addressing nuclear plant security would not protect reactors from all likely terrorist threats – including 9/11-style air attacks – as required by Congress, according to Public Citizen and San Luis Obispo Mothers for Peace. The groups filed a complaint about the rule late Friday afternoon in federal court.

The groups' petition, filed in the United States Court of Appeals for the Ninth Circuit in San Francisco, urges the court to review the NRC's "design basis threat" regulation, which describes the types of terrorist threats against which nuclear power plants and certain other facilities must maintain effective security measures. The groups contend that it appears that the NRC has based the threat it would require plants to defend against only on what it thought was reasonable for a private security force to accomplish. In particular, it appears that the NRC rule does not require plants to defend against groups the size of the 9/11 terrorist force of 19 attackers, nor does it require plants to protect against air attacks.

"Instead of deciding what threats nuclear reactors are likely to face and requiring security improvements to protect against them, the NRC seems to have taken the opposite approach," said Scott Nelson, a lawyer at Public Citizen. "The agency has looked at the capability of private security forces defending reactors and required them only to protect against those limited threats they can currently handle."

In the aftermath of the 9/11 attacks, the NRC upgraded its nuclear plant security requirements by issuing secret orders to licensees in April 2003 and bypassing the legally required notice and comment procedure. After Public Citizen and San Luis Obispo Mothers for Peace filed a challenge to that action in 2003, the NRC announced that it would conduct an official rulemaking, and Congress required it to do so in the Energy Policy Act of 2005. The final rule was published in March.

In the Energy Policy Act, Congress required the NRC to take into account 9/11-style air attacks in its rulemaking. However, in its rule, the agency responded that post-crash "mitigation measures" are sufficient and refused to consider requiring reactor operators to construct passive barriers that would ensure that an attacking aircraft could not successfully crash into the reactor itself.

"The NRC has ignored Congress and failed to give a reasonable or even logical explanation as to why it can't protect our nuclear plants. The public deserves better," said Michele Boyd, legislative director of Public Citizen's Energy Program.

To read the petition, visit <http://www.citizen.org/litigation/forms/cases/CaseDetails.cfm?cid=407>.

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Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C.

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