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Don't abandon fight at Oyster Creek

It has been nearly five years since we ran an eight-part editorial series urging public officials and citizens to organize to prevent the 20-year license renewal of the Oyster Creek nuclear power plant in Lacey, the oldest commercial reactor in the nation.

On Thursday, in a fitting climax that typified the dismissive, bureaucratic manner in which the Nuclear Regulatory Commission has conducted itself, it voted 3-to-1 to reject an appeal by a coalition of groups seeking to postpone a relicensing decision until all the outstanding safety issues about the condition of a corroded steel radiation barrier at the 40-year-old plant had been satisfactorily answered. The commission ordered NRC staff to issue the license extension by Tuesday, when Oyster Creek's current license expires.

For the citizens, public interest groups and public officials who have fought diligently for nearly four years to block relicensing of the plant, last week's developments were sorely disappointing. But they should take heart in knowing that the increased scrutiny Oyster Creek received because of their efforts has improved safety for the 3 million people living within a 50-mile radius of the plant. At the same time, they should fully recognize that the adverse decision by the NRC simply marks the end of one chapter in their campaign to ensure the reactor is being operated safely.

The fight must not cease.

Last week's NRC meeting, held in Maryland, was called with less than 24 hours notice, and provided no opportunity for coalition members, state environmental officials or New Jersey's congressional representatives to publicly present their arguments for either delaying the relicensing or making it conditional on further review of safety concerns raised by NRC staff, DEP officials and the coalition. And the justifications given by the NRC for granting a new license and denying the valid safety objections raised by the coalition were couched in jargon and legalese worthy of the apparatchiks of the old Soviet Union.

"It is this kind of decision-making that can lead to the next Three Mile Island accident and worse," said Paul Gunter, director of the Reactor Oversight Project of Beyond Nuclear. "The NRC once again reveals an agency agenda that accelerates its licensing schedule ahead of public due process and a willingness to place the public health and safety at undue risk."

In essence, the NRC ruled that the drywell, a steel barrier surrounding the reactor vessel that is supposed to contain radiation in the event of an accident, had met the "reasonable assurance" standard, a standard requiring that the preponderance of evidence — more than 50 percent — points to the drywell holding up another 20 years. Yet, in a seeming contradiction, the commission ordered its staff to "enhance its review and enforcement" of a requirement that a 3-D analysis of the drywell be done to ensure there was no evidence of ongoing corrosion. The NRC's failure to insist that the analysis be done — before a license was granted — was at the heart of the coalition's appeal.

Without the 3-D analysis, it is impossible to get a comprehensive picture of the extent of any corrosion of the drywell and whether it is susceptible to buckling, which could result in a nuclear catastrophe. If the analysis isn't done at all, or properly, and the coalition and the state aren't satisfied with the steps being taken to monitor and manage corrosion of the drywell, they must not only appeal the license extension in federal court, but fight to halt the continued operation of the plant.

The NRC's decision last week tended to overshadow two other setbacks for opponents of Oyster

Creek: a federal circuit court's rejection of New Jersey's contention the NRC should have been required to consider the effects of a terrorist attack before relicensing the plant, and the U.S. Supreme Court's reversal of a federal appeals court ruling that would have required nuclear reactors to install cooling towers or other technology that would reduce fish kills caused by their water intake systems by 98 percent.

The state DEP has said it would prefer cooling towers to be installed at Oyster Creek, but has yet to issue a water discharge permit that could require it. The court ruling does not prohibit state environmental agencies from requiring cooling towers — a step the DEP should take immediately.

The concerns that motivated the activists and public interest groups to get involved in fighting the relicensing of Oyster Creek in the first place have not gone away. Now, more than ever, they must make certain the drywell is adequately monitored and managed. They must lobby the state to require cooling towers. They must pay close attention when Oyster Creek seeks permission from the Lacey Planning Board to store more of its highly radioactive spent fuel in dry casks on-site. They must pursue legislative options to bolster the plant's defenses of its spent fuel pool against terrorist attack.

The final part of our Oyster Creek series opened with a quote from Albert Einstein: "Nuclear power is one hell of a way to boil water." Some 60 years later, when the best scientific minds have yet to come up with a rational way of disposing of radioactive waste that will remain harmful for 100,000 years, and the potential for it being weaponized and used for destructive purposes by terrorists has increased exponentially, that may be more true today than ever.

The fight must not cease.
