Nuclear agency rejects Beyond Nuclear and 10,000 co-petitioners’ effort to close dangerous U.S. “Fukushima” reactors

TAKOMA PARK, MD -- The U.S. Nuclear Regulatory Commission has rejected a Beyond Nuclear petition signed by 10,000 members of the U.S. public that called for the agency to suspend the operation of the country’s vulnerable “Fukushima” style nuclear reactors. The emergency enforcement petition asked the NRC to suspend operating licenses at the country’s now 22 remaining General Electric Mark I boiling water reactors identical to Fukushima Daiichi nuclear reactors units 1, 2 and 3 that exploded and melted down following the March 11, 2011 earthquake and tsunami in Japan.

The petition was originally filed on April 13, 2011. It took the agency four years of deliberations behind closed doors before issuing its decision, which is published in today’s Federal Register.

“We strongly disagree with the NRC’s decision and its claim that it has met each one of the petitioners’ requests,” said Paul Gunter, Director of Reactor Oversight at Beyond Nuclear and who initiated and submitted the petition. “The long recognized public health and safety hazards of these reactors, so vividly and tragically demonstrated by the events at Fukushima, are far from being resolved,” he said.
“We remain concerned that the NRC is not presently capable of effective oversight and enforcement,” Gunter continued. “Under existing NRC provisions, the public has no recourse to appeal the decision or to legally challenge the Mark I design vulnerability or its operational hazards.

“This denial of due process comes in spite of the fact that agency orders and industry corrective actions referenced in dismissing the petition are inadequate half measures that need not be fully implemented for years to come, if ever,” Gunter added. “In critical safety areas for the Mark I containment vulnerability, the proposed corrective actions credited in the Director’s Decision are not even conceptually finalized or approved by the regulator. Moreover, there are significant agency staff non-concurrences on how to proceed with post-Fukushima action plans,” Gunter concluded.

The NRC’s emergency enforcement petition process itself is recognized by one of its own Administrative Law Judges, Alan S. Rosenthal, as rigged to reject out of hand legitimate public safety concerns. The Additional Opinion of Judge Rosenthal concluded that “at least where truly substantive relief is being sought (i.e., some affirmative administrative action taken with respect to the licensee or license), there should be no room for a belief on the requester’s part that the pursuit of such a course is either being encouraged by Commission officialdom or has a fair chance of success.”

Ironically, while the U.S. NRC seeks to fend off legitimate concerns to keep these 1960s vintage reactors running as industry cuts safety corners, Japan’s nuclear industry is closing two of its remaining four Mark I reactors while retrofitting others with high capacity radiation filters on a hardened vent system.

A majority vote of the U.S. NRC Commissioners rejected a senior level staff recommendation made by the Japan Lessons Learned Task Force that the Commission order all GE Mark I and Mark II boiling water reactor operators to promptly install hardened containment vents with the same engineered radiation filters as a "cost-benefited substantial safety enhancement."
Beyond Nuclear and others have strongly recommended that the industry be required to afford this retrofit as a minimal safety stopgap while continuing to advocate for the license suspension of the entire Mark I and Mark II fleet.

For more information, see a detailed explanation on the Beyond Nuclear Freeze our Fukushimas web page.

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