

TESTIMONY OF JAMES R. MILKEY
OFFICE OF MASSACHUSETTS ATTORNEY GENERAL TOM REILLY

PUBLIC SCOPING MEETING
BEFORE THE NUCLEAR REGULATORY COMMISSION
ON UPDATE TO GENERAL ENVIRONMENTAL IMPACT STATEMENT
FOR LICENSE RENEWAL OF NUCLEAR POWER PLANTS
July 17, 2003

Good evening. My name is James R. Milkey, and I am an Assistant Attorney General, and Chief of the Environmental Protection Division of the Massachusetts Office of the Attorney General. On behalf of Attorney General Reilly, I welcome this opportunity to appear before you today.

Our office continues to work with others on the local anti-terrorism task force to protect our state and communities from terrorist attacks. Our purpose today is to urge the NRC to consider and address the risk of terrorism against nuclear power facilities as it updates the general environmental impact statement for license renewal of nuclear power plants.

Preliminarily, let me assure the public that the Attorney General has no information, credible or otherwise, that would suggest that nuclear facilities in Massachusetts are, or have ever been, the target of a terrorist attack. Nevertheless, the consequences of a catastrophic attack against a nuclear power plant are simply incalculable. Earlier this year, President Bush underscored the threat to nuclear power plants in his State of the Union address, in which he pointed out that diagrams of nuclear power plants were found in Al Qaeda enclaves in Afghanistan. Subsequent classified and non-classified warnings have been provided to nuclear plant operators and the public indicating that the potential threat to nuclear plants is very real. Congressional hearings and official reports further underscore concerns about security and the vulnerability of spent fuel storage. In light of this, it cannot be said that the terrorist threat to nuclear power facilities is purely speculative. Because these risks are real, they must be included in the environmental impact analysis for relicensing nuclear power plants.

The environmental impacts analysis should include an evaluation of enhanced protections for one of the most vulnerable components of a nuclear power plants: its spent fuel pools. Several plants around the country have begun to incorporate on-site dry-cask storage technology into their facilities. A recent report published in Princeton's Science and Global Security Journal proposes that all spent fuel be transferred from wet to dry storage within five years of discharge. The NRC should fully evaluate this technology for its potential to reduce significant hazards posed by "dense-packed" pool storage.

We recognize the need to keep sensitive details of particular facilities confidential. The NRC has procedures for doing so. However, NEPA requires that decision-making as to environmental and other impacts be conducted in an open process to allow for informed, democratic decision-making. Issues related to the dangers of fuel pools have already been openly addressed by concerned citizens and recently were the subject of the Princeton Report. The NRC can address methods to reduce risks from terrorist attacks in the open process mandated by NEPA, while specific sensitive details of particular facilities remain confidential.

Large amounts of resources are being dedicated on the federal, state and local levels to prevent harm from future attacks. It is evident that steps must be taken to minimize the potential threat and expand emergency response capability should such an attack occur. These efforts could be hindered if the NRC does not properly address issues related to terrorism in its environmental analysis.

Thank you.