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Challenging Nuclear Regulatory Commission Inspection Findings

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Research Guides

Challenging Nuclear Regulatory Commission Inspection Findings

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Overview

The U.S. Nuclear Regulatory Commission (NRC) is granted broad authority relative to the regulation of commercial nuclear power plants. The NRC implements an inspection program consisting of both announced inspections and daily oversight conducted by resident inspectors. In the course of these NRC inspection activities, violations of regulatory requirements may be discovered. The NRC screens these violations of regulatory requirements using the significance determination process (SDP). Violations of very low safety significance are typically dispositioned as non-cited violations and are provided merely a cursory description in an official NRC inspection report. Violations of greater significance are evaluated for escalated enforcement which could include increased regulatory oversight in the form of additional inspections or a monetary fine.

The NRC process provides the licensee an opportunity to appeal violations. The criteria for these appeals is very strict and unforgiving. Once the NRC has issued a final determination of a violation from an inspection activity, the licensee challenging a violation faces the steep burden of having to show a court that the NRC's actions were "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law."

External entities such as intervenor groups are allowed to petition for hearings with the NRC concerning matters under their regulation. The NRC's standard for allowing a third party to have standing in an NRC proceeding is fairly generous compared to the strict judicial requirement of having suffered actual harm articulated by the Supreme Court.

The history of commercial nuclear power in the United States has involved intense political debates, significant public scrutiny, and numerous legal challenges. Utility companies have challenged the NRC's authority to impose new regulations. Third party intervenor groups have challenged the NRC's authority and decisions. Congress went so far as to ensure the NRC was a stand-alone entity without any role as a proponent of the technology in the Energy Reorganization Act of 1974. Legal challenges to NRC action are not likely to stop anytime soon as the nation's currently licensed plants are in the midst of twenty-year license extensions and there are a handful of new plants on the drawing board.

About the Author

Robert M. Berryman, P.E. is a candidate for Juris Doctor Class of 2013 at the Georgia State University College of Law. While in law school, Mr. Berryman received a CALI Excellence for the Future Award for the highest grade in Constitutional Law I. Before attending law school, Mr. Berryman graduated with merit from the **United States Naval Academy** with a Bachelor of Science in **Systems Engineering**. He is also a graduate of **Air Force Command and Staff College** and **Joint Forces Staff College**. Mr. Berryman is a licensed professional engineer in the State of New York and holds the rank of Commander (O-5) in the United States Navy Reserve. For more information about this bibliography, please contact Professor Nancy Johnson via e-mail at **njohnson@gsu.edu**.

Scope

This guide provides an overview of the law surrounding a challenge to an inspection finding or action against a commercial nuclear power plant by the U.S. Nuclear Regulatory Commission (NRC). The resources provided in this guide include helpful laws, secondary materials, and internet resources on the topic of challenging the inspection authority of the NRC. However, to provide context to this regulatory issue, some of the materials relate to the broad subject of authority of an administrative agency and the applicable standards of judicial review. This research guide is intended to assist attorneys with little or no familiarity with this subject matter in gaining a better understanding of the relevant law. At the end of the guide you will find internet resources that may be used to locate many of the sources contained in the guide.

Disclaimer

This research guide is a starting point for a law student or an attorney to research attempting to mount a legal challenge to an NRC inspection finding at a commercial nuclear power plant. It is imperative to Shepardize or KeyCite all cases and statutes before relying on them. This guide should not be considered as legal advice or as a legal opinion on any specific facts or circumstances. If you need further assistance in researching this topic or have specific legal questions, please contact a reference librarian in the Georgia State University College of Law library or consult an attorney.

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Primary Sources

U.S. Constitution

The entire transcript of the U.S. Constitution may be found here or here.

U.S. Const. art. I, § 8, cl. 3 (Commerce Clause)

[Power of Congress] "To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes."

U.S. Const. art. I, § 8, cl. 18 (Necessary and Proper Clause)

[Power of Congress] "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

U.S. Const. art. II, § 3, cl. 4 (Take Care Clause)

[The President] "shall take Care that the Laws be faithfully executed. . . ."

U.S. Code

Several sections of the United States Code are relevant to the issues of regulation of commercial nuclear power plants. The United States Code can be found, free of charge, online from the Cornell Legal Information Institute.

42 U.S.C. § 5841

This provision of the United States Code provides for the establishment of the Nuclear Regulatory Commission (NRC) from the former Atomic Energy Commission.

42 U.S.C. § 5842

This provision of the United States Code defines the scope of facilities to be regulated by the NRC.

42 U.S.C. § 2201

This provision of the United States Code provides the authorizations of the Commission in performance of its functions. This includes allowing the Commission to make rules and inspect facilities.

5 U.S.C. § 706(2)(A)

This provision of the United States Code from the Administrative Procedure Act provides that a reviewing court shall hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

Legislation

More information on these bills can be found free of charge on the U.S. Government Printing Office (GPO) website, or on the Library of Congress's THOMAS website.

Atomic Energy Act of 1946 (McMahon Act), 60 Stat. 755

The Atomic Energy Act of 1946 was the first law passed to contemplate civilian uses of nuclear energy and was for the development and control of atomic energy.

Atomic Energy Act of 1954, 68 Stat. 919

The Atomic Energy Act of 1954 amended the Atomic Energy Act of 1946 and was codified in 42 U.S.C. § 2201 et. seq. The NRC refers to this Act as "the fundamental U.S. law on both the civilian and the military use of nuclear materials."

Energy Reorganization Act of 1974, 88 Stat. 1233

The Energy Reorganization Act of 1974 was codified in 42 U.S.C. § 5801 et. seq. The Act moved the civilian oversight functions of the Atomic Energy Commission into a new independent agency called the Nuclear Regulatory Commission. Roles such as military uses, research and development, and advocating uses of nuclear energy were retained by the Department of Energy.

Administrative Procedure Act of 1946, 60 Stat. 237

The Administrative Procedure Act of 1946 was codified in 5 U.S.C. § 500 et. seq. The Act estalished the law that governs the way in which administrative agencies of the federal government may establish regulations. The Act also established a process for federal courts to directly review agency decisions.

Rules and Regulations

Code of Federal Regulations

The Code of Federal Regulations is vitally important to the analysis of regulation of commercial nuclear power plants. The text of the Code of Federal Regulations can be found, free of charge, online from the Cornell Legal Information Institute or from the U.S. Nuclear Regulatory Commission.

10 C.F.R. § 2.206

This federal regulation provides that any person may file a request to institute a proceeding with the Commission to modify, suspend, or revoke a license, or for any other action as may be proper.

10 C.F.R. § 2.309

This federal regulation specifies the requirements for standing to request hearing or petition to intervene.

10 C.F.R. § 50.70

This Federal Regulation provides that each licensee shall permit inspections by NRC inspectors.

10 C.F.R. § 110

This federal regulation provides that the NRC may obtain an injunction or other court order to prevent violation of the provisions of the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, or regulation or order pursuant to these Acts.

10 C.F.R. § 50.54(f)

This federal regulation provides that the NRC may, "at any time before the expiration of the license," require written statements, "signed under oath or affirmation," to "enable the Commission to determine whether or not the license should be modified, suspended, or revoked."

10 C.F.R. § 50.54(h)

This federal regulation imposes a condition on the license of any commercial nuclear facility to comply with any Commission order.

10 C.F.R. § 50.54(hh)

This federal regulation made permanent the requirements to develop, implement, and maintain procedures that describe how a commercial nuclear power plant will address specific areas if notified of a potential aircraft threat. The requirements of this regulation originated in N.R.C. Order EA-02-025, referenced below.

10 C.F.R. § 50.109 (Backfit Rule)

This federal regulation allows the Commission to require a facility to comply with a new requirement or regulation when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection.

10 C.F.R. § 50.46

This federal regulation provides the acceptance criteria for emergency core cooling systems for light-water nuclear power reactors.

10 C.F.R. § 50 Appendix B

This federal regulation provides the quality assurance criteria for commercial nuclear power plants.

10 C.F.R. § 50.63 (Station Blackout Rule)

This federal regulation provides the requirements for commercial nuclear power plants to withstand events involving the loss of all alternating-current (AC) electrical power at the facility. This scenario would include events such as that at the Japanese Fukushima power plant.

N.R.C. Orders

EA-02-026 (Post-9/11 Security Interim Compensatrory Order)

This order was issued on February 25, 2002 to all commercial nuclear power plants. The order required all plants to undertake interim compensatory measures (ICMs) to address potential security concerns after the 9/11 terrorist attacks. The substantive part of this order was Attachment 2 of the order. Attachment 2 of the order was deemed to be "safeguards information" and withheld from public distribution. The requirements of this order were later codified in 10 C.F.R. 50.54(hh) and 10 C.F.R. Part 73. The unclassified parts of this order are available here.

N.R.C. Bulletins

N.R.C. Bulletins address significant issues of great urgency and usually require action or response.

NRC Bulletin 2011-011: Mitigating Strategies

This bulletin required licensees to provide a comprehensive verification of their compliance with the regulatory requirements to maintain spent fuel pool cooling as specified in EA-02-025 and 10 C.F.R. § 50.54(hh). A written response to the N.R.C. was required.

Case Law

Below are some of the most important cases regarding challenges to the regulation of commercial nuclear power plants.

Supreme Court Cases

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992).

Synopsis: The Supreme Court held that in order for a plaintiff in a lawsuit to achieve the constitutional requirements of standing to file suit, the plaintiff must satisfy three requirements. First, the plaintiff must have suffered "an invasion of a legally-protected interest which is . . . concrete and particularized." Second, there must be a causal connection between the injury and the conduct complained of. Third, it cannot be speculative that the "injury will be redressed by a favorable decision."

Resources: This Supreme Court case (and all Supreme Court cases from 1781 to the present) can be found for free on LexisNexis Communities Free Case Law, for free on Supreme.Justia.com, and can also be found directly here. Oral arguments for the case (in mp3 or transcript) can also be retrieved from Oyez.com, free of charge.

Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc., 467 U.S. 837 (1984).

Synopsis: The Supreme Court held that courts must defer to administrative agency interpretations of authority granted them by Congress when (1) "the statute is silent or ambiguous with respect to the specific issue," and (2) "the agency's answer is based on a permissible construction of the statute."

Resources: This Supreme Court case (and all Supreme Court cases from 1781 to the present) can be found for free on LexisNexis Communities Free Case Law, for free on Supreme.Justia.com, and can also be found directly here. Oral arguments for the case (in mp3 or transcript) can also be retrieved from Oyez.com, free of charge.

Pacific Gas & Elec. Co. v. State Energy Res. Conservation & Dev. Comm'n, 461 U.S. 190 (1983).

Synopsis: The Supreme Court held that while a state attempt to regulate the safety of a commercial nuclear power plant would be preempted by federal law, a state is not preempted if it attempts to regulate the economics of the power plant. The Court also implied they would be deferential to States when they purport their intent to regulate economics vice safety.

Resources: This Supreme Court case (and all Supreme Court cases from 1781 to the present) can be found for free on LexisNexis Communities Free Case Law, for free on Supreme.Justia.com, and can also be found directly here. Oral arguments for the case (in mp3 or transcript) can also be retrieved from Oyez.com, free of charge.

N. Ind. Pub. Serv. Co. v. Porter Cnty. Chapter of Izaak Walton League of America, Inc. 423 U.S. 12 (1975).

Synopsis: The Supreme Court held that the 7th Cir. erred in rejecting the Atomic Energy Commission's interpretation of its own regulations and was obliged to regard as controlling a reasonable, consistently applied administrative interpretation.

Resources: This Supreme Court case (and all Supreme Court cases from 1781 to the present) can be found for free on LexisNexis Communities Free Case Law, for free on Supreme.Justia.com, and can also be found directly here.

Circuit Court Cases

Below is a sampling of cases relevant to this topic. The cases are organized by date, with the most recent cases listed first. All federal cases in the last ten years can be found, free of charge, on LexisNexis Communities Free Case Law. They can also be found for a fee, along with older cases, on Westlaw or LexisNexis.

New Jersey v. U.S. Nuclear Regulatory Commission, 526 F.3d 98 (3d Cir. 2008).

The court in this case held that "[l]egally binding regulatory requirements are stated only in laws; NRC regulations; licenses, including technical specifications; or orders, not in NUREG-series publications."

This Circuit Court case can be found for free on LexisNexis Communities Free Case Law, and can also be found directly here.

Union of Concerned Scientists v. U.S. Nuclear Regulatory Comm'm 880 F.2d 552 (D.C. Cir. 1989).

The court in this case held that "the concept of what constitutes adequate protection is an *evolving standard* that must keep pace with developing information and with improvements in nuclear power technology over time."

This Circuit Court case can be found directly here.

Union of Concerned Scientists v. U.S. Nuclear Regulatory Comm'n, 824 F.2d 108 (D.C. Cir. 1987).

The court in this case held that a court does not need to defer to agency opinion on questions of statutory construction. The court also held that the NRC was precluded from taking costs into account when establishing or enforcing adequate levels of protection from accidents. However, the court went on to hold that financial considerations could be appropriate when administering protection beyond that level under 10 C.F.R. § 50.109.

This circuit court case can be found directly here.

Duke Power Co. v. U.S. Nuclear Regulatory Comm'n 770 F.2d 386 (4th Cir. 1985).

The court in this case held that the NRC had "broad responsibility" to "decide the difficult questions concerning nuclear power safety."

This Circuit Court case can be found directly here.

New England Coalition on Nuclear Pollution v. U.S. Nuclear Regulatory Comm'n 582 F.2d 87 (1st Cir. 1978).

The court in this case held that "[t]he NRC, not this court. is entrusted with the task of making sure that nuclear power is safe. Our job is to see that the NRC performs that task in accordance with law. It is enough that we find that the NRC did make this decision in accordance with relevant statutes and regulations."

This Circuit Court case can be found directly here.

N. Anna Envtl. Coalition v. U.S. Nuclear Regulatory Comm'n 533 F.2d 655 (D.C. Cir. 1976).

The court in this case held that the NRC is an agency "possessing a uniquely broad grant of authority to promulgate appropriate regulations" and "must be given great weight."

This Circuit Court case can be found directly here.

Nuclear Regulatory Commission Proceedings

Below is a sampling of NRC Commission decisions relevant to this topic. The cases are organized by date, with the most recent cases listed first. NRC decisions may also be found on the NRC's web-based Agency Document and Management System (ADAMS) which may be accessed here. They can also be found, along with older cases, on Westlaw or LexisNexis.

To access a document from ADAMS, click on this link. Then select the "Advanced Search" tab. Select "Accession Number" in the "Document Properties" drop down. Enter the accession number "ML#########" in the entry box and then click the "Add to Query" button. Then click the blue search button. The document will appear in the search results as a PDF file that can be downloaded.

In re Northern States Power Co 2010 WL 4057461 (2010).

The Commission ruled that an interlocutory appeal to a decision to grant a facility license extension was not appropriate because the concerns brought by the intervenor were being addressed by the NRC's ongoing inspection and enforcement programs.

A copy of this decision may be retrieved on ADAMS as accession number ML102730779.

In re Carolina Power and Light Co. 65 N.R.C. 643 (2007).

The NRC Office of Nuclear Reactor Regulation denied a petition for public hearings regarding a challenge to the NRC staff's handling of a facility's non-compliance with fire protection regulations at the Shearon Harris nuclear plant.

A copy of this decision may be found here. A copy of this decision may also be retrieved on ADAMS as accession number ML071500403.

In re Pacific Gas & Elec. Co. 37 N.R.C. 5 (1993).

The NRC Atomic Safety and Licensing Board panel of three administrative judges ruled that an incremental increase in risk due to extending the term of the operating license of a commercial nuclear power plant was sufficient to "invoke the presumption of injury in fact" to persons residing 10 to 20 miles from the facility.

In Re Duquesne Light Co. 19 N.R.C. 393 (1984).

The NRC Atomic Safety and Licensing Board panel of three administrative judges ruled that none of the concerns sought to be litigated by a petitioner for intervention were within the scope of an operating license proceeding and intervention was denied.

NRC Staff Significance Determination Appeals

Below is a sampling of NRC Inspection Staff decisions since 2002 regarding appeals to the NRC's significance determination process (SDP) regarding inspection findings at commercial nuclear power plants.

To access a document from ADAMS, click on this link. Then select the "Advanced Search" tab. Select "Accession Properties" in the "Document Properties" drop down. Enter the accession number "ML#########" in the entry box and then click the "Add to Query" button. Then click the blue search button. The document will appear in the search results as a PDF file that can be downloaded.

Letter dated November 18, 2009, Response to Appeal of Final Significance Determination (EA-09-0121)

The NRC staff determined that the licensee's appeal did not meet the NRC's requirements of inspection manual chapter (IMC) 0609, Attachment 2. As a result, it was not forwarded to a formal appeal panel.

A copy of this decision may be retrieved on ADAMS as accession number ML093230261.

Letter dated March 1, 2007, Response to Appeal of Final Significance Determination (EA-06-199)

The NRC staff completed an SDP appeal panel and concluded that the violations were warranted and the significance determinations of the violations were accurate. The appeal was denied.

A copy of this decision may be retrieved on ADAMS as accession number ML070650190.

Letter dated September 29, 2011, NRC Response to Backfit Appeal

The NRC staff completed a review of a violation issued by an NRC inspection team that resulted in the NRC issuing a an order for the licensee to make changes to the facility and modifying its licensing basis as allowed by 10 C.F.R. § 50.109 (Backfit Rule). The NRC staff concluded the licensee was required to make changes to their facility even though the NRC had erroneously previously issued the licensee a safety evaluation report (SER) that the facility was in compliance with the applicable regulations.

A copy of this decision may be retrieved on ADAMS as accession number ML112730194.

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Secondary Sources

N.R.C. Inspection Manual

The NRC Inspection Manual provides the NRC staff guidance on the planning, preparation, conduct, and reporting of inspections at commercial nuclear facilities.

Inspection Manual Chapter (IMC) 0609, Attachment 2 provides the specific criteria by which a licensee can challenge the significance determination of an NRC inspection finding. Specifically, IMC 0609.02-03 limits these challenges to (a) significance determination was inconsistent with significance determination process (SDP) guidance or lacked justification; (b) actual (verifiable) plant hardware, procedures, or equipment configurations, identified by the licensee to the NRC staff at the Regulatory Conference or in writing prior to the staff reaching a final significance determination, was not considered by the staff; or (c) a licensee submits new information which was not available at the time of the Regulatory Conference. New information will be considered only if the licensee informed the staff that new information was under development prior to or during the Regulatory Conference, or in their written response to the preliminary significance determination.

IMC 0308, Reactor Oversight Process (ROP) Basis Document. This document describes the basis for the significant decisions reached by the NRC during the development and implementation of the ROP for operating commercial nuclear power plants.

N.R.C. Enforcement Manual

The NRC Enforcement Manual was first published in June 1990 as a tool to assist the NRC staff in implementing the Commission's enforcement program consistent with NRC's Enforcement Policy. Intended for internal use by the NRC, the Manual contains procedures, requirements, and background information used by the staff who develop or review enforcement actions. As such, failure to follow the guidance in this Manual does not invalidate an enforcement action.

American Law Reports

A.L.R. provides an objective, in-depth, analysis of many specific legal issues, together with a complete list of every case—in every jurisdiction—that discusses it. With thousands of attorney-authored articles covering the entire breadth of U.S. law, A.L.R. can save hours of research time when trying to quickly get familiar with an area of law. This series has been cited by more courts than any other secondary resource, and can be found on Westlaw or LexisNexis.

- Ann K. Wooster, Annotation, Validity of Warrantless Administrative Inspection of Business That is Allegedly Closely or pervasively Regulated; Cases Decided Since Colonnade Catering Corp. v. U.S., 397 U.S. 72, 90 S. Ct. 774, 25 L. Ed. 2d 60 (1974), 182 A.L.R. Fed 467 (2002).

  This A.L.R. was originally published in 2002, but has been consistently updated to include new relevant case law. This article discusses the validity of warrantless administrative inspections by the Nuclear Regulatory Commission for the purpose of the Fourth Amendment.

- Deborah Tussey, Annotation, State Regulation of Nuclear Power Plants, 82 A.L.R.3d 751 (1978).

  This A.L.R. was originally published in 1978, but has been consistently updated to include new relevant case law. This article discusses the issue of the states' power to regulate, and of state courts to adjudicate, with respect to nuclear power plants, as well as cases discussing the proper construction and application of such state legislation. The majority of cases falling within the scope of the annotation focus on whether, and to what extent, federal statutory law regulating nuclear power, particularly the Atomic Energy Act, precludes state regulation in this field.

- Kristine Cordier Karnezis, Annotation, Construction and Application of "Chevron Deference" to Administrative Action by the United States Supreme Court, 3 A.L.R. Fed. 2d 25 (2011).

  This A.L.R. was originally published in 2005, but has been consistently updated to include new relevant case law. This article "collects and analyzes the United States Supreme Court Cases that have construed or applied Chevron deference to administrative actions." This article provides a comprehensive review of the construction of "Chevron deference" and also provides a comprehensive review of the various cases that have applied the doctrine broken down by administrative agency.

Legal Encyclopedias

A few notable legal encyclopedia articles of relevance are listed below, and can be found on Westlaw or LexisNexis.

- 2 Am. Jur. 2d Administrative Law § 498 (2011).
- 27A Am. Jur. 2d Energy and Power Sources § 57 (2011).
- 29 C.J.S. Electricity § 92 (2011).
- 73A C.J.S. Public Administrative Law and Procedure §§ 418-19 (2011).

Law Review Articles and Other Periodical Sources

Below are notable law review and other periodic sources that contain relevant information to shed light on this topic. All of the below-mentioned articles can be found on LexisNexis, Westlaw, or HeinOnline for a fee. Some of the articles are available for free and have the appropriate links below.

Michael P. Healy, ***Reconciling Chevron, Mead, and the Review of Agency Discretion: Source of Law and the Standards of Judicial Review***, 19 Geo. Mason L. Rev. 1 (2011).

Discusses the conflict between the United States Supreme Court's decision in *Chevron* and the confusion created by subsequent cases. This article concludes that when an agency has exercised "lawmaking power to interpret" a statute, the reviewing court should only review the "permissibility of the agency's rulemaking process," and not the agency's substantive interpretation. A copy of this article may be found here.

Richard J. Pierce, Jr., ***What Do The Studies of Judicial Review of Agency Actions Mean?***, 62 Admin L. Rev. 77 (2011).

Discusses studies of the six purported doctrines of judicial review of administrative agency decisions including evaluations of the strengths and weaknesses of each doctrine. This article ends by recommending that the United States Supreme Court endorse a doctrine that "a reviewing court must uphold any reasonable agency action."

David R. Repka & Tyson R. Smith, ***Proximity, Presumptions and Public Participation: Reforming Standing at the Nuclear Regulatory Commission***, 62 Admin. L. Rev. 583 (2010).

Discusses the unique and politically charged issue of the standing of intervenors regarding proceedings in relation to commercial nuclear power plants. This article explores the NRC's apparently more relaxed standard of standard compared to the strict constitutional requirements. A copy of this article may be found here.

Anthony Z. Roisman, Erin Honaker & Ethan Spaner, ***Regulating Nuclear Power in the New Millenium (The Role of the Public)***, 26 Pace Envtl. L. Rev. 317 (2009).

Criticizes the NRC's procedures for conducting public hearings as a "public relations tool" that attempts to "convince the public that nuclear power plants are safe by allowing them to believe that they are effectively participating in a process where they can see how well all legitimate concerns are addressed and resolved." Also theorizes that an explanation for the dramatic increase in capacity factor at commercial nuclear power plants in the NRC's under-utilization of its authority to require "backfitting" of safety improvements using the authority of 10 C.F.R. § 50.109. A copy of this article may be found here.

Richard Webster & Julia LeMense, ***Spotlight on Safety at Nuclear Power Plants: The View from Oyster Creek***, 26 Pace Envtl. L. Rev. 365 (2009).

Discusses citizen involvement and judicial review of NRC decisions from the perspective of attorneys that represented intervenor groups opposed to the re-licensing and continued operation of the Oyster Creek nuclear power plant. A copy of this article may be found here.

Energy Bar Ass'n, ***Nuclear Regulation Committee Report***, 27 Energy L.J. 655 (2006).

Discusses the status of new plant construction projects in the United States and the status of regulatory hurdles facing new construction.

Michael R. Fox, ***Nuclear Regulation: The Untold Story***, 133 No. 15 Fort. 137 (1995).

Discusses the NRC's role in the skyrocketing costs of nuclear power plants due to regulatory uncertainty as a result of the rapid expansion of requirements levied on licensees thorough mechanisms such as 10 C.F.R. § 50.109 (Backfit Rule).

Lars Noah, ***Sham Petitioning as a Threat to the Integrity of the Regulatory Process***, 74 N.C. L. Rev. 1 (1995).

Discusses the problems associated with an excessively wide aperture for allowing petitioners to delay or impede the licensing process. Specifically talks about the NRC's decision to not allow late petitions to delay licensing of a facility unless a substantial safety question is raised.

Richard Goldsmith, ***Regulatory Reform and the Revival of Nuclear Power***, 20 Hofstra L. Rev. 159 (1991).

Discusses the complex regulatory, political, and technological hurdles facing a nuclear industry in the United States that has not seen any significant new construction of facilities since the Three Mile Island accident in 1979.

Russell L. Weaver, ***Challenging Regulatory Interpretations***, 23 Ariz. St. L.J. 109 (1991).

Discusses cases involving judiciary deference to the decisions of federal administrative agencies. This article also proposes the best way to frame challenges to the deference rule.

Dean Hansell, ***Nuclear Regulatory Commission Proceedings: A Guide for Intervenors***, 3 UCLA J. Envtl. L. & Pol'y 23 (1982).

Discusses mechanisms and standards for third party intervention regarding NRC licensing actions at commercial nuclear power plants.

Books

- The Cult of the Atom: the secret papers of the Atomic Energy Commission by Daniel F. Ford
  ISBN: 0671253018
  Publication Date: 1982
  http://gilfind.gsu.edu/vufind/Record/542942Informative history of the genesis of the regulation of commercial nuclear power in the United States as told from the perspective of an anti-nuclear intervener.
- Controlling the Atom: the beginning of nuclear regulation, 1946-1962 by George T. Mazuzan
  ISBN: 0520051823
  Publication Date: 1984
  http://gilfind.gsu.edu/vufind/Record/28052Official history compiled by the NRC. This book is also available from the Government Printing Office (GPO) as NUREG-1610.

Blogs

Below is a select number of nuclear energy blogs.

- Atmoic Insights

  Blog established by staunch nuclear industry advocate Rod Adams.

- Indian Point Safe Energy Coalition

  Information related to the Indian Point nuclear plant posted by intervenor group opposed to the continued operation of the facility.

- All Things Nuclear

  Blog provided by the Union of Concerned Scientists (UCS).

Courses, Audio, and Video Lectures

Relevant courses, audio, and video resources may be found in a variety of sources, including those below.

Nuclear Energy Institute - How it Works

Tutorials and fact-sheets on nuclear energy.

YouTube: "How Nuclear Energy Works"

Video explaining the basics of nuclear power produced by Nuclear Energy for the United Arab Emirates (UAE).

Newsletters

Nuclear Power Newsletter

Published by the International Atomic Energy Agency (IAEA).

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Interest Groups and Associations

Federal Agencies

United States Nuclear Regulatory Commission (U.S.N.R.C.)

The U.S. Nuclear Regulatory Commission (NRC) was created as an independent agency by Congress in 1974 to enable the nation to safely use radioactive materials for beneficial civilian purposes while ensuring that people and the environment are protected. The NRC regulates commercial nuclear power plants and other uses of nuclear materials, such as in nuclear medicine, through licensing, inspection and enforcement of its requirements. The Energy Reorganization Act of 1974 and Executive Order 11834 were the authorities to establish the NRC.

Department of Energy

The mission of the Energy Department is to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions.

National Nuclear Security Administration

NNSA's program support is divided into several key program areas including Defense, Nuclear Nonproliferation, Naval Reactors, Emergency Operations, Infrastructure and Environment, Nuclear Security, Management and Administration and the Office of the Administrator. Each program area is focused on specific challenges.

International Regulators

International Atomic Energy Agency (IAEA)

The IAEA is the world's center of cooperation in the nuclear field. It was set up in 1957 as the world's "Atoms for Peace" organization within the United Nations family. The Agency works with its Member States and multiple partners worldwide to promote safe, secure and peaceful nuclear technologies.

Interest Groups

Below is a sampling of interest groups in the area of nuclear power plant regulation, with descriptions of the interest groups in their own words (taken directly from their publicly accessible website materials), along with direct website links to learn more about the groups.

- Nuclear Energy Institute (NEI)

  The Nuclear Energy Institute (NEI) is the policy organization of the nuclear energy and technologies industry and participates in both the national and global policy-making process.

  NEI's objective is to ensure the formation of policies that promote the beneficial uses of nuclear energy and technologies in the United States and around the world.

- Institute of Nuclear Power Operations (INPO)

  Our mission at the Institute of Nuclear Power Operations (INPO) is to promote the highest levels of safety and reliability – to promote excellence – in the operation of commercial nuclear power plants.

- World Association of Nuclear Operators (WANO)

  WANO unites every company and country in the world with an operating commercial nuclear power plant to achieve the highest possible standards of nuclear safety. Based in London with regional centres in Moscow, Atlanta, Tokyo and Paris, WANO cuts across political barriers and interests. We exist purely to help our members achieve the highest levels of operational safety and reliability. We do this through peer reviews, technical support and access to a global library of operating experience.

- Union of Concerned Scientists (UCS)

  The Union of Concerned Scientists is the leading science-based nonprofit working for a healthy environment and a safer world. UCS combines independent scientific research and citizen action to develop innovative, practical solutions and to secure responsible changes in government policy, corporate practices, and consumer choices.

- Riverkeeper (Hudson River)

  Due to Indian Point's vulnerability to terrorism, a laundry list of safety problems, the storage of 1500 tons of radioactive waste on-site, and the lack of a workable evacuation plan, Riverkeeper has been working toward the permanent shutdown of the Indian Point nuclear power plant. In fall 2006 Riverkeeper launched its Reenergize New York initiative to encourage state leaders to invest in clean replacement power and to encourage New Yorkers to use energy more wisely. In addition, Riverkeeper is working with elected officials and the community to prevent a 20-year license extension for the Indian Point 2 & 3, currently licensed until 2013 and 2015, respectively. Despite all the problems and public opposition to the plant, Entergy, the owner/operator, submitted its re-licensing application to the NRC on April 30, 2007.

- Greenpeace

  Greenpeace is the largest independent direct-action environmental organization in the world. We do not take money from government or corporations. Our only bottom line is a green and peaceful future. Nuclear power is neither safe nor clean. There is no such thing as a "safe" dose of radiation and just because nuclear pollution is invisible doesn't mean it's "clean."

Public/Private Associations

Below is a sampling of patent-related associations in the United States. A brief description of each organization is included, along with a link to the organization's website (each of which includes a wealth of information and additional resources).

American Nuclear Society

The American Nuclear Society is a not-for-profit, international, scientific and educational organization. It was established by a group of individuals who recognized the need to unify the professional activities within the diverse fields of nuclear science and technology.

Energy Bar Association

The Energy Bar Association (EBA) is a non-profit voluntary association of attorneys, non-attorney professionals, and students, whose mission is to promote the professional excellence and ethical integrity of its members in the practice, administration, and development of energy laws, regulations and policies.

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