



James M. Levine
CNO Steering Committee Chairman
STARS

Ref: Staff View of Adversary
Attributes for Radiological Sabotage

STARS-03010

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U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON STAFF VIEW OF ADVERSARY ATTRIBUTES FOR
RADIOLOGICAL SABOTAGE DATED JANUARY 2, 2003

Gentlemen:

The Strategic Teaming and Resource Sharing (STARS) nuclear power plant's Security Managers have reviewed the Nuclear Energy Institute (NEI) comments dated March 5, 2003, regarding the Staff View of Adversary Attributes for Radiological Sabotage, dated January 2, 2003. The STARS plants fully endorse the NEI comments and take this opportunity to provide additional comments.

The nation's nuclear utilities continue to meet obligations, as required by federal regulation, to ensure nuclear plants are protected from acts of radiological sabotage. STARS believes that the nuclear industry has worked, and will continue to work, in cooperation with the NRC to significantly enhance the security posture of nuclear plants. The Interim Compensatory Measures (ICMs) that have been implemented enhance the capabilities to address security requirements in the present generalized high-level threat environment. Further, these measures are being evaluated for effectiveness through the tabletop exercises conducted last fall and the ongoing force-on-force pilot reviews. These actions ensure plant security and make it unnecessary to issue a final Design Basis Threat (DBT) until a thorough and comprehensive review of nuclear security is conducted. STARS believes the NRC's current direction on security issues should be consistent with what is being required of other private industries potentially at risk to terrorist threats.

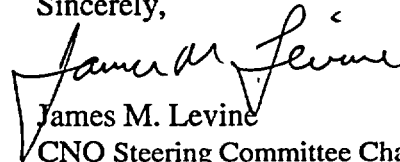
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The STARS plants believe NRC's direction on security issues does not properly account for the federal government's role in protecting our nation's infrastructure. To adequately defend against the proposed adversary would require utility security forces to go beyond current legal boundaries and responsibilities. STARS considers some of the proposed individual adversary attributes, and certainly the set of attributes taken as a whole, to be in conflict with existing NRC regulations (i.e., 10 CFR 50.13) and the federal legal framework governing such things as the use of deadly force, weapons limitations for private security forces, and constitutionally defined powers for government agencies. While nuclear utilities are willing to assist and work with the Department of Homeland Security by providing the type of realistic and reasonable assistance typically expected of a private security force, we cannot under current regulations, and should not, expand our role to protect against enemies of the state.

The STARS plants are also concerned that the DBT will be finalized without the careful deliberation and planning that is essential to long-term success. Issues that require further consideration include the impacts of the proposed DBT on safety, operations, maintenance, and ALARA programs. The industry and the NRC must ensure the measures put in place to comply with the DBT are sufficiently integrated with the above areas and do not cause unintended consequences for nuclear or radiological safety.

The STARS plants appreciate the opportunity to comment on the Staff View of Adversary Attributes for Radiological Sabotage. If there are any questions regarding this correspondence, please contact me at 602-250-2095 or jlevine@apsc.com.

Sincerely,



James M. Levine
CNO Steering Committee Chairman
STARS

cc:

Roy P. Zimmerman (NRC)
Steve Floyd (NEI)
STARS NRC Resident Inspectors