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From: <ahanson47@aol.com>
To: <SECY@nrc.gov>
Date: Wed, Nov 17, 2004 12:17 AM
Subject: Please upgrade and strengthen the Design Basis Threat Regulations for protection against terrorist attacks on nuclear reactors regardless of the cost.

DOCKETED
USNRC
November 17, 2004 (3:31pm)

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Secretary:

On July 23, 2004, Committee to Bridge the Gap (CBG) filed a Petition for Rulemaking to the U.S. Nuclear Regulatory Commission (posted in the Federal Register on November 08, 2004, Volume 69, Number 215) for "Upgrading the Design Basis Threat Regulations for Protection Against Terrorist Attacks on Nuclear Reactors."

The petition requests that NRC upgrade the Design Basis Threat (DBT) for U.S. nuclear power stations by: 1) revising DBT regulations to require NRC and the nuclear power industry to contemplate and prepare for (a) an attack of nuclear power stations by air and; (b) an attacking force--by land, water and/or air--at least equal to the 19 terrorists effectively coordinated in multiple teams as were the 9/11 attacks; (c) attackers utilizing a full range of potential weapons of which a group such as Al Qaeda would be capable, including heavy caliber automatic weapons, shaped charges, shoulder-fired rockets, mortars, anti-tank weapons, and large quantities of explosives; (d) a minimum of three insiders assumed to have both passive and active capacity; (e) an attack by an explosive-laden land vehicle that is not limited to the current four-wheel Sport Utility Vehicle or small truck but inclusive of a full range of larger vehicles and; 2) a requirement "under a time urgent schedule" for the construction of shields at reactor

sites consisting of a relatively inexpensive and quick-to-assemble system of steel I-beams and steel cabling ("Beamhenge") to obstruct the angle of air attack at stand-off distances from the reactor building, fuel pool and other safety-related assets so that hijacked, rented or private aircraft (potentially carrying explosives) attempting to deliberately crash into a reactor site would be torn up in the "Beamhenge" shield effectively reducing the impact and penetration force on safety-related structures. The shield effort is focused on reasonably reducing the public's risk of terrorists successfully using nuclear power stations for radiological-enhanced sabotage.

The Design Basis Threat or "DBT" is defined as the magnitude of threat that each nuclear facility's security systems must be capable of defending against. Originally crafted by NRC in the 1970's, the DBT remains practically unchanged for more than 30 years. The DBT defines the composition and characteristics of an adversary force including their degree of military training, the weapons they are expected to carry, their mode of attack and level of knowledge of targets and vulnerabilities. Prior to September 11th 2001, nuclear power station security forces were tested by NRC contractors in "Force-On-Force" mock terrorist attacks or Operational Safeguard Response Evaluations (OSRE) once every 8 years. The security exams, pre-announced to utilities 6 months ahead of time

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and role played with licensees in table top exercises in advance of actual mock attack, limited the "attacking" force as defined by the DBT to a single team of

three military-experienced contractors attacking on foot by land assisted by one passive insider. Even so, the mock attackers penetrated defenses and simulated sabotage of onsite equipment 47% of the time so as to cause a core melt accident, often in a matter of seconds to a few minutes. In 1998, at the behest of industry, NRC management zeroed out the budget for the OSRE program only to be restored through media exposure by an agency whistleblower, CBG and action by President Clinton. However, industry continued to stonewall security upgrades as unnecessarily sophisticated and overly expensive, culminating in a draft NRC policy to turn over security testing to an industry self-assessment program to begin its pilot phase in

September 2001.

Following the September 11th attacks, NRC suspended all security testing and public meetings to reevaluate nuclear power's protective strategies. After conferring with industry and excluding public stakeholders, NRC issued secret "orders" on April 29, 2003 purportedly altering the DBT, including a change to now conduct OSREs every three years, for industry compliance by October 29, 2004. While the DBT is "classified" NRC concedes that it still does not require licensees to protect against the numbers of attackers or their level of coordination as experienced on September 11th, nor against

air attack. Given the controversial history of cost-driven nuclear security, there is no public confidence in a secretly revised DBT that does not match the level of sophistication and ferocity already demonstrated by the attacks on the World Trade Center and Pentagon.

Moreover, validation of the current security mandate and the rigor of federal oversight are seriously in question. On September 14, 2004, House Subcommittee on National Security, Emerging Threats and International Relations, chaired by Rep. Chris Shays (R-CT), held a hearing to receive Government Accountability Office (GAO) testimony on compliance with the Oct. 2004 deadline. It concluded that the rush to review facility plans for implementing the new DBT "is largely a paper review" where NRC did not visit sites to verify compliance nor request facilities to submit documents that supported security upgrades. In fact, GAO concluded it will be at least three more years before NRC will have data to validate whether site-specific upgraded security plans are adequate. Congressman Shays concluded: "Despite persistent efforts by reactor

operators and regulators to minimize the risks of containment breach or spent fuel sabotage, surrounding communities and those farther downwind take little comfort from a cozy, indulgent regulatory process that looks and acts very much like business as usual."

Please upgrade and strengthen the Design Basis Threat Regulations for protection against terrorist attacks on nuclear reactors regardless of the cost.

Sincerely,
Art Hanson

1815 Briarwood Dr.
Lansing, MI 48917-1773

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Created By: ahanson47@aol.com

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