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184

Comments On Committee to Bridge the Gap's
Proposed Rule on Nuclear Security and NRC's Design Basis Threat
Docket No. 73-12

January 24, 2005

Over three years ago, nineteen suicidal terrorists hijacked four airliners and flew three of them into the twin towers at the World Trade Center and the Pentagon. In the wake of these horrific attacks, the nuclear industry and the Nuclear Regulatory Commission (NRC) repeatedly claimed that nuclear plants were not at risk due to the containment domes that surrounded their nuclear reactors. Over the last three years both the NRC and the nuclear industry have had to temper their praise for these containments.

The NRC has had to back off its original claims in the wake of 9-11 and acknowledge that 96% of the reactors in the U.S. were not designed to withstand an airliner attack. (Associated Press, NRC: Nuclear power plants not protected against air crashes, March 29, 2002)

While Sandia Labs stated in the New York Times that the nuclear industry had misused their study in an effort to claim reactors were invulnerable to terrorist attack. When asked whether the study showed that a plane could not penetrate a containment dome the Sandia spokesperson stated that, "We have been trying like heck to shoot down this rumor... (t)hat test was designed to measure the impact force of a fighter jet. But the wall was not being tested. No structure was being tested." (Wald, Matthew, Reactor Vulnerability: Experts Say Nuclear Plants Can Survive Jet Liner Crash, S, New York Times, September 20, 2002.)

Greenpeace entirely supports Committee to Bridge the Gap's (CBG) proposed rule and we wonder why it is that the public must prompt the Nuclear Regulatory Commission (NRC) into action. Greenpeace already has petitioned the NRC to take action concerning the vulnerabilities of General Electric Mark I and Mark II to airliner attack yet that petition has languished before the commission for months. The CBG petition, if acted upon, would help to address although not entirely ameliorate this known vulnerability.

Additionally the creation of a more realistic design basis threat (DBT), based upon adversary groups at least equal in number to those that attacked the U.S. on the September 11th, would begin to address the new reality that the nuclear industry faces. Nuclear power plants are no longer merely critical infrastructure; they are pre-positioned weapons of mass destruction.

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SECY-02

Greenpeace would like to see this petition acted upon expeditiously. Normally the NRC is very good at closing the barn door after the horse is out. However, more than three years after 9-11 revealed our utter vulnerability, NRC has taken only cursory steps to improve the defense of nuclear facilities. Chairman Diaz' blithe pronouncement that nuclear power plants are best defended against airliner attack at the airport is an abdication of his and the agency's statutory duty. The Commission's blatant disregard of both public and congressional concerns regarding nuclear power plant vulnerability to airliner attack further cements in the public mind the notion that the NRC is merely a tool of the industry more concerned with protecting the financial interests of nuclear corporations than with protecting the public.

Both the NRC and the industry are well aware that the changes made to the DBT after the attacks on the World Trade Center and the Pentagon are insufficient to ward off attacks that the entire world already knows are possible. In its sophist attempts to give the illusion of action, the NRC slightly altered its requirements for security at nuclear power plants. However the revised DBT only enhanced security against ground based assault. Al Qaeda attacked the WTC and the Pentagon with airliners turned into missiles, three years later the NRC has done nothing to defend against this mode of attack.

According to the Parliamentary Office of Science and Technology report number 222, *Assessing the Risks of Terrorist Attacks on Nuclear Facilities*, the Nuclear Energy Institute divulged to the British that "aircraft attacks and the use of sophisticated military weapons are not included in the Design Basis Threat." (Parliamentary Office of Science and Technology, *Assessing the Risks of Terrorist Attacks on Nuclear Facilities*, report number 222, July 2004, p. 24.)

Argonne National Laboratory studied the question of the impact of a large commercial airliner into a nuclear power plant 1982. NUREG/CR 2859 *Evaluation of Aircraft Crash Hazard Analyses for Nuclear Power Plants (1982)* details the process by which an airliner can penetrate the dome of a nuclear power plant. Rather than address the vulnerabilities revealed by the Argonne study, the nuclear industry claims that it is not required to protect reactors from enemies of the state. The NRC similarly has ignored the findings of the Argonne study but has found the information so damning that it has pulled the document from circulation.

When the public interest community asked the NRC to address the vulnerabilities of the spent fuel pool to terrorist attack the Commission once again failed to act. In October 2000, the NRC released a draft version of *Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants* but concluded that there is no immediate safety concern. The NRC made this determination because of the low likelihood of a fuel uncover event that could result in a zirconium fire and a potentially significant off-site radiological release. When the public confronted the commission with the fact

that this rationale was no longer appropriate since suicidal terrorists were targeting nuclear power plants Commissioner McGaffigan ordered the NRC staff to debunk its own study rather than address the vulnerability!

Whether willfully ignorant of the threat posed by the reactors they purport to regulate or merely cajoled into complacency by too many years in close proximity to NEI and industry lobbyists, the NRC has failed to adequately defend nuclear power plants from airliner attack. This proposed rule would be a good first step in addressing the vulnerabilities that continue to exist at U.S. nuclear reactors.

Sincerely,

(Original Signed By)

Jim Riccio
Greenpeace
Nuclear Policy Analyst

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Date: Wed, Jan 26, 2005 2:40 PM
Subject: Greenpeace Comments on Docket No. PRM 73 - 12

Dear SECY,

Attached you'll find Greenpeace's comments on the Committee to Bridge the Gap's Proposed Rule.

Sincerely,

Jim

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Subject: Greenpeace Comments on Docket No. PRM 73 - 12
Creation Date: Wed, Jan 26, 2005 2:38 PM
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