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Citizens Awareness Network

The Experiment is Over!

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OFFICE OF SECRETARY
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COMMENT REGARDING PRM-73-12

Date: January 24, 2005
Subject: PRM-73-12

Citizens Awareness Network supports and makes additions to the Petition for Rulemaking submitted by Committee to Bridge the Gap. Thus far, the Nuclear Regulatory Commission has refused to develop security standards for nuclear reactor sites that can meet modern-day terrorist threats. NRC has irrationally limited the scope of the Design Basis Threat to attack scenarios far below the demonstrated capabilities, resources and sophistication of today's most likely attackers. The Agency rationalized its regulatory stance based on the assumption that it is the military's obligation to protect the nation and its critical infrastructure from acts of warfare.

Nevertheless, despite the known threat posed by terrorist or non-state organizations, NRC has failed to work with other governmental entities to ensure that the nation's nuclear reactors and their spent fuel are protected, including the Pentagon which NRC maintains is ultimately responsible for repelling 9-11 style attacks. Instead, NRC engaged in public relations, official secrecy, and propaganda to deflect concerns about the vulnerability of reactor sites and the inadequacy of its regulations, inspection programs, and enforcement practices.

Committee to Bridge the Gap's petition would do the bare minimum to ensure that NRC's regulations in fact "provide for the common defense and security," which is the agency's mandate under the Atomic Energy Act. The revised Design Basis Threat would describe the types of attacks that today's well-financed, -trained, and -armed terrorist organizations have the capacity to carry out. It also addresses, in a cost-effective way, one of the known generic vulnerabilities of US reactor sites: suicide attack using commercial airplanes as cruise missiles-type weapons. The "beamhenge" system proposed by Committee to Bridge the Gap would reduce the likelihood that such an attack mode could damage the reactor, its vital safety equipment, or its spent fuel.

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However the petition does not address other acts of malice including sabotage and shoulder mounted missiles. Obviously, the most effective ways of reducing both the likelihood and consequences of attacks are to improve the structural robustness of the plants and to incorporate greater reliance on passive safety systems. Probably the greatest national security risk in the US arises from high-density storage of irradiated nuclear fuel in so-called spent fuel pools, now in place at nearly every reactor site. Spent fuel pools are susceptible not only to aircraft suicide strikes, but to many other attack modes, involving land-based vehicles, shoulder-mounted missiles, placed explosives, and/or internal acts of sabotage. Present-day dry cask storage systems are also vulnerable to many of the same attack modes and are insufficient to provide for the nation's security.

CAN therefore proposes additional revisions to 10 CFR 73.1(a) to address the inherent vulnerability of present day irradiated fuel storage systems. 10 CFR 73.1(a) must require the reinstatement of low density pools and development and deployment of irradiated fuel into Hardened On-Site Storage systems (HOSS) at all reactor sites. A terrorist attack targeting a reactor fuel pool could have catastrophic results leaving thousands of square miles uninhabitable for decades. The consequences of ignoring this vulnerability would be the creation of a regional disaster of unimaginable proportions for both the region and the Nation. The rationale and design principles for HOSS are described in the enclosed report by Dr. Golrdon Thompson entitled "Robust Storage of Spent Nuclear Fuel: A Neglected Area of Homeland Security."

In addition, CAN believe that specific attention must be given to the structural vulnerability of General Electric Mark 1 and 2 reactor fuel pool designs which include elevated pools outside of containment. The vulnerability of these reactor designs creates an unacceptable risk to reactor communities. If reactor licensees are unable to demonstrate within a reasonable period of time that they can defend their site and specifically their fuel pools from a post 9/11 attack, NRC should order them to shut down until such time as they can provide the structural enhancements necessary to do so.

NRC's mandate is not limited to protecting the public health and safety. The Agency is also required to assure public confidence in its actions. Given NRC's refusal to adequately address nuclear safety in a post 9/11 world and its lack of transparency, justified on the basis of 9/11, the public has no confidence in NRC capabilities to protect reactor communities in terms of reactor operation, relicensing of reactors or the permitting of new reactors.

Sincerely,

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