



Progress Energy

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DOCKET NUMBER

PETITION RULE PRM 73-12
(69FR 64690)

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OFFICE OF SECRETARY
RULEMAKINGS AND
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Serial: PE&RAS 05-004
January 24, 2005

ATTN: Rulemakings and Adjudications Staff
Secretary, United States Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Comments on the Petition by the Committee to Bridge the Gap for Rulemaking on the "Design Basis Threat" Regulations, Docket No. PRM-73-12 (69 FR 64690)

Ladies and Gentlemen:

On November 8, 2004, the NRC published in the Federal Register (69 FR 64690) a notice of receipt of a petition for rulemaking, which was filed by the Committee to Bridge the Gap. The petitioner requested that 10 CFR 73.1(a) be revised to encompass attacking forces equal to those of the terrorist attack on September 11, 2001, plus a margin of safety.

Enclosed are the comments of Carolina Power & Light Company, now doing business as Progress Energy Carolinas, Inc. (PEC), and Florida Power Corporation, now doing business as Progress Energy Florida, Inc. (PEF).

Please contact me at (919) 546-4579 if you have any questions.

Sincerely,

Tony Groblewski
Supervisor - Regulatory Affairs

HAS
Enclosure

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SECY-02

Comments on the Petition by the Committee to Bridge the Gap
for Rulemaking on the "Design Basis Threat" Regulations

Progress Energy suggests that the NRC should reject the petition because it does not reflect the actions of the terrorists preceding the September 11th event and ignores the actions of the nuclear industry since then.

The petitioner's assertion that, "... U.S. nuclear reactor facilities remain unprotected against air attacks or ground attacks involving the September 11, 2001, number of attackers" is flawed. Even before 9/11, the construction and security of this nation's nuclear plants were a sufficient deterrent to a terrorist attack of the magnitude proposed in the petition.

In the three years since the September 11th attacks, this nation's nuclear plants have further strengthened security to provide an additional deterrent to attack by terrorists. The industry has spent an estimated \$1 billion since 2001 for security manpower and capital improvements like:

- Increasing the size of the security forces by 60 percent to a total of 8,000 officers.
- Making substantial physical improvements to provide additional protection against vehicle bombs and other potential terrorist assaults.
- Increasing training for security officers.
- Establishing a rigorous "force on force" mock adversary exercise regime.
- Increasing security patrols.
- Adding more security posts.
- Increasing vehicle standoff distances.
- Tightening access controls.
- Enhancing coordination with state and local law enforcement.

The currently established design basis threat represents a reasonable limit that a private guard force could be expected to handle. Beyond that, an attack by this nation's enemies must be handled by this nation's law enforcement and military. To facilitate that transition, nuclear plants plan and practice emergency preparedness exercises in collaboration with representatives of federal, state, and local governments.

Progress Energy suggests that future security efforts in the nuclear industry will continue to diminish the likelihood of threats like those suggested by the petitioner. However, the petitioner's request is not helpful toward that effort.

From: "Stiles, Harold" <Harold.Stiles@pgnmail.com>
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Date: Mon, Jan 24, 2005 5:18 PM
Subject: Comments on CBG Petition on DBT (69 FR 64690)

<<05-004 Letter Groblewski--NRC comments on CBG petition to revised
DBT.pdf>>

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Mail Envelope Properties (41F57444.7A8 : 3 : 10152)**Subject:** Comments on CBG Petition on DBT (69 FR 64690)**Creation Date:** Mon, Jan 24, 2005 5:18 PM**From:** "Stiles, Harold" <Harold.Stiles@pgnmail.com>**Created By:** Harold.Stiles@pgnmail.com**Recipients**

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