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Subject: 10 CFR Part 73 [Docket No. PRM-73-12] Sierra Club comments

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

RE: 10 CFR Part 73 [Docket No. PRM-73-12]
Proposed Rule, 69 FR 64690-92
November 8, 2004
Committee To Bridge the Gap: Petition for Rulemaking

The following comments address the above captioned Notice of Petition for Rulemaking by the Committee To Bridge the Gap (CBG), Docket No. PRM-73-12. They are submitted on behalf of the Sierra Club. The mission of the Sierra Club is to protect and restore the quality of the natural environment and to assure the safety and well-being of its inhabitants.

The Petitioner requests that the NRC amend its Design Basis Threat (DBT) regulations in order to upgrade nuclear power reactor safety, and to provide a sufficient margin of safety to protect domestic reactors from catastrophic destruction in the event of a terrorist air attack comparable with (or worse than) the September 11, 2001 attacks that destroyed the World Trade Center and portions of the Pentagon. The CBG petition describes a method of shielding a reactor with a cage of steel I-beams, cabling and netting located at sufficient distances from critical reactor structures so that a plane crash into this shield would not destroy the reactor, spent fuel pool, or other essential support facilities.

The Petition also requests that NRC upgrade the DBT regulations to require protection against at least the number and capabilities of the attackers involved in the 9/11 attack. Current NRC regulations protect against only a single team composed of merely three attackers on foot, with only hand-carried automatic weapons, and perhaps assistance of one insider. Existing DBT regulations, the Petitioner emphasizes, were adopted more than two years before the Three Mile Island Unit 2 accident in 1979, with only a 1994 truck bomb modification thereafter. The Petitioner also notes that recent "Orders" issued by the NRC are far from adequate to protect against an attack of 9/11 size and composition.

In addition to reactor and spent fuel pool vulnerability to air attack, both ground and water attacks, with or without suicide bombers, require consideration. With use of remote control technologies and one or more "insider" co-conspirators, hostile attackers have potentially many methods and pathways to cause devastating destruction and radiological contamination of extensive areas. In the early 1960s, the draft Brookhaven Report revision estimated contamination of "an area the size of the state of Pennsylvania." Interdiction of agricultural, commercial and residential use and occupation for extended periods of, potentially, many decades or longer would follow. The clean-up after radiological contamination would be far more difficult, dangerous, and expensive than post-9/11 clean-up of the World Trade Center site or reconstruction of the Pentagon.

Moreover, many U.S. nuclear power plants were sited within ten to thirty miles of dense urban populations, and some are located well within metropolitan areas, with all the communications

and transportation problems that would impede evacuation in the immediate aftermath of a terrorist attack or other sabotage that results in large and continuing radiation releases.

A NEPA cost-benefit analysis that compares the true, long-term total costs -- human, industrial, commercial, agricultural, and environmental -- of a destructive terror attack on a vulnerable nuclear plant versus the benefits (and lowered costs to people, society, and biosphere) of CBG's proposed methods to enhance protection would leave no doubt that those extra measures are well worthwhile. The CBG recommendations are remarkably modest in comparison with the magnitude of added protection they would provide and that is sorely needed. The NRC, in concert with other responsible federal, state, and local agencies, would be well advised to undertake the CBG protective measures immediately at all nuclear facilities. Agencies charged with securing the safety of the nation also need to stretch the imaginations of the best technical, sociological, and strategic minds to consider and prepare for other previously unanticipated kinds of nuclear attack.

For nuclear reactor plants, the goal of improved national security will be advanced by NRC's adoption of the proposals of the Committee to Bridge the Gap. The safety of other nuclear production, utilization, waste storage and disposal facilities would also benefit from comparable improvements and updating of stronger Design Basis Threat measures and regulations.

The Sierra Club respectfully requests that the NRC adopt and act promptly to implement these recommendations.

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