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To: <SECY@nrc.gov>
Date: Mon, Jan 23, 2006 9:25 PM
Subject: Comments Re: RIN 3150-AH60

DOCKET NUMBER
PROPOSED RULE 73
 (70FR 67380)

(62)

DOCKETED
 USNRC

Comments on RIN 3150-AH60

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January 24, 2006 (11:15am)

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

While the proposed revision of the Design Basis Threat (DBT), in principal, marks a significant improvement, the NRC unfortunately impedes thorough review by excluding details about specific matters, for example, weapons, forces, ammunition, vehicles, and bomb sizes that plant operators must protect against. To release such information, the Commission argues, will only help adversaries. But, given the NRC's historic instinct to do less rather than more to defend plants, one cannot but be suspicious that its inclination seeks to temper the security burden on utilities and government policing agencies.

As a result, congress must assume the responsibility to review--and continue to review--the confidential foundation for the new regulation, in closed session if need be. To further allay popular fears and hold regulatory officials and utilities accountable, the NRC should publish an annual report card assessing specific plant performance to defeat attacks in ongoing "table top" and mock "force on force" exercises. The statute must include these safeguards.

And why do I say this: personal experience. I appeared before the Safeguards and Security Subcommittee on Reactor Safeguards in 1985 following the publication of the second edition of my book on the global vulnerability of nuclear plants to military assault and sabotage--"Nuclear Power Plants as Weapons of the Enemy," University of California Press, which provided a remarkable resource. The Committee's dismissive attitude toward the vehicular bomb risks, its condescension toward terrorism generally, the NRC's later efforts halt the OSRE exercises, and, after 9/11, its failure to increase on site reactor defense in depth against air attack generates the presumption that the regulatory agency only responds seriously after the fact to terrorist challenges. That the Commission required the 1993 attack on the World Trade Center to generate new rules to protect against vehicular bombs--which I and colleagues focused on in the 1985 testimony--reflects a disturbing pattern. This behavior comes against the Commission's persistent dismissal of petitions for rulemaking submitted by public policy groups to increase plant security through the 1980s and 1990s.

This brings me to the Commission's disturbing comments in the Federal Register's notice about defending reactors against airplane assault. In fashioning the new DBT, the Commission declares that "an important part of this review was the consideration of a terrorist attack similar to that which occurred on September 11, 2001." But, rather than take additional steps to reduce the on site vulnerability of nuclear plants to air assault, it "defers" the matter suggesting it has done enough. Enhanced passenger screening, strengthened cockpit doors, federal Air Marshals and military aircraft interception already mark robust defenses. Complementary "intelligence and threat reporting" allows the Commission's staff to anticipate new risks to "recommend any appropriate modifications to the DBT...to mitigate air attacks." In earlier comments the agency argued that attacks might not result in significant radiological consequences. In any event, it contends new reactors will be even more secure.

Template = SECY-067

SECY-02

While many defensive measures have reduced risks, the NRC's underlying premise that air attacks on reactors are "unlikely," prompts it to dismiss conflicting facts and assessments. Among these: intelligence continues to be very imperfect and may not provide timely warning. Even if it did, new defenses cannot be built in a day. The National Academy of Sciences and independent investigators have demonstrated that an air assault can overwhelm plant safeguards resulting in significant radiological releases. General aviation aircraft has already "buzzed" reactors without military interception. Hijacking continues to be a concern; likewise, the risk of a suicide foreign carrier attack--witness the pilot's intentional downing of a 1999 Air Egypt flight off the Massachusetts coast. Finally, even were new better secured reactors built, today's 103 operating plants will remain vulnerable.

This critique suggests that only the oversight and transparency measures I call for in paragraph 2 can protect the public from the Commission itself.

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Expiration Date: None
Priority: Standard
Reply Requested: No
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Concealed Subject: No
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