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VPNPD-93-109

NRC-93-068

May 24, 1993

Mr. Robert F. Burnett, Director  
Division of Fuel Cycle Safety and Safeguards  
Office of Nuclear Material Safety and Safeguards  
NUCLEAR REGULATORY COMMISSION  
c/o Ms. Joan Higdon  
Mail Stop 4E4\WFN, US NRC  
Washington, D.C. 20555

Dear Mr. Burnett:

DESIGN BASIS THREAT AND VEHICULAR INTRUSION

Wisconsin Electric Power Company, at the request of the Nuclear Regulatory Commission, is providing comments concerning the reevaluation of the present design basis threat for radiological sabotage. These comments are also based on information Wisconsin Electric Power Company received at the public meeting conducted by the Nuclear Regulatory Commission on May 10, 1993, in Rockville, Maryland.

At the May 10, 1993, public meeting, NRC staff summarized a proposed action plan for the reevaluation of the design basis threat. The NRC staff had initiated a review of the design basis threat in late 1991. In 1992, NUMARC requested that the NRC reassess and modify the present design basis threat to consider revisions which will bring the regulation into line with the current security environment, which has changed significantly since the design basis threat concept was initially promulgated in 1977. NUMARC recommended that the design basis threat be reassessed to correctly relate to the current radiological sabotage threat and encouraged the NRC to avail itself of the assessment by federal intelligence gathering agencies of the terrorism potential at U.S. commercial nuclear power plants. The industry also recommended that certain administrative requirements which are considered to be of no measurable benefit to safety be considered for removal from design basis threat regulations. Wisconsin Electric continues to support a reassessment of these design basis threat issues.

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Mr. Robert F. Burnett  
May 24, 1993  
Page 2

In light of the recent unauthorized vehicle entry at the Three Mile Island Power Station and the bombing of the World Trade Center in New York City, the NRC has expanded its review of the design basis threat to include a reassessment of the vehicular intrusion threat. As summarized in SECY-93-102, the NRC staff has prepared an updated list of four options for bolstering security which were presented to the Commission for consideration. The NRC's assessment of the vehicular intrusion threat should consider and be guided by intelligence assessments of trends in domestic terrorism, nuclear plant security historical experience, and the prudent utilization of resources.

Wisconsin Electric Power Company believes that current extensive security programs associated with the present design basis threat are more than sufficient to ensure the protection of the health and safety of our employees and the public against any reasonable threat. In addition to plant security, the broader "defense-in-depth" approach to safety employed by the nuclear power industry would make it very difficult for a saboteur to damage plant systems to the point where plant staff would be unable to safely shut down the plant and prevent and mitigate radiological releases.

There is no evidence which would indicate that the bombing experienced at the World Trade Center will be repeated and it appears that the responsible parties have been identified and/or arrested. The trespassing incident at Three Mile Island Power Station is not related in any form with the World Trade Center bombing threat. The incident at Three Mile Island was simply an act of trespass by a psychologically impaired individual and there is no indication that terrorism was a motive.

Wisconsin Electric believes it would be imprudent to react to these dissimilar incidents by requiring licensees to invest hundreds of thousands of dollars in defense of a land vehicle bomb or terrorist incident. Evidence would suggest that there is no known credible threat to use a vehicle as an aid in committing radiological sabotage at a domestic power reactor. Available threat-related intelligence information, the history of domestic terrorism, and past nuclear industry security experience suggests that the threat to nuclear facilities is low.

Mr. Harry B. Brandon III, Deputy Assistant Director of the Federal Bureau of Investigation, Intelligent Division, in testimony before Senator Lieberman, stated "...we do not have reason to believe that (World Trade Center bombing) is the forerunner of a wave of terrorism inside the United States." "...Between 1982 and 1992 terrorism incidents within the United States, with few exceptions, have shown a steady decline."

Mr. Robert F. Burnett  
May 24, 1993  
Page 3

"...Our constant, continuous analysis of all indicators worldwide does not show the beginning of such an initiative or wave of terrorism .... We have no current indications of targeting or planning of acts of terrorism by any groups or individuals." The FBI, has apparently concluded that there is no increased threat to the nuclear power industry.

At the May 10, 1993, public meeting hosted by the NRC in Rockville, Maryland, and as delineated in SECY-93-102, the NRC offered four possible options which Nuclear Material Safety and Safeguards may recommend as a modification to the present design basis threat. The four options included:

1. No change.
2. Erect gates or concrete barriers on existing roadways at some distance on either side of the vehicle control points leading into protected areas.
3. Enhance protected area perimeter protection to prevent vehicle intrusions.
4. Enhance security so that a bomb-laden vehicle can be kept from entering the protected area, and configure vehicle barriers so that an explosion would not hinder safe plant shutdown.

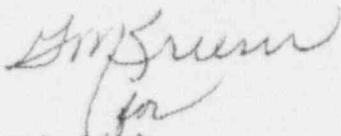
The Federal Bureau of Investigation believes that the nuclear generating power plants are hardened facilities which provide an excellent deterrence to potential terrorist attack. Further hardening of nuclear power plants, against all potential terrorist threats would appear not be prudent or cost effective. Data from the Federal Bureau of Investigation, the Department of Energy, and the Office of Technology Assessment, indicates that in the last 10 years there has been a significant decline in terrorism. The tragic incident at the World Trade Center is not sufficient enough to establish a trend, and there is no correlation which can be drawn that would indicate that the nuclear power plants are in any jeopardy.

The lack of a bona fide threat and the coupling of the two unrelated incidents at Three Mile Island and the World Trade Center, would seem to not justify additional requirements for bolstering security and modification of the present design basis threat. Therefore, Wisconsin Electric Power Company currently supports Option 1, delineated in SECY-93-102, recommends no change in the present design basis threat to address the vehicular intrusion threat.

Mr. Robert F. Burnett  
May 24, 1993  
Page 4

Wisconsin Electric Power Company encourages the NRC to ensure that the comprehensive reevaluation of the vehicular intrusion threat include involvement of representatives from various law enforcement and governmental agencies tasked with monitoring and assessing terrorism and representatives from the industry. The NRC should bring to bear our cumulative experience and knowledge regarding terrorist activities and threat levels in order to make an appropriate decision from a public policy standpoint. If it is determined that any action is required, this conclusion must represent a prudent expenditure of resources commensurate with the determined risk associated with the vehicular intrusion threat.

Sincerely,



Bob Link  
Vice President  
Nuclear Power

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cc: NRC Resident Inspector  
NRC Regional Administrator, Region III