



73  
(58FR 58804)

Northern States Power Company

414 Nicollet Mall  
Minneapolis, Minnesota 55401-1927  
Telephone (612) 330-5500

15

94 JAN -3 P 105

December 30, 1993

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTENTION: DOCKETING AND SERVICE BRANCH

RE: Proposed Rule - Protection Against Malevolent Use of Vehicles at Nuclear Power Plants 58FR58804 to 58807 (November 4, 1993) Request for Comments

Northern States Power Company appreciates the opportunity to review and comment on the proposed rule for Protection Against Malevolent Use of Vehicles at Nuclear Power Plants. We fully understand and accept our obligation to protect the health and safety of the general public and the following comments are supportive of that obligation.

Northern States Power Company generally endorses the comments submitted by NUMARC in response to the proposed rule. Specifically the items below from the NUMARC comments are of concern to Northern States Power Company.

- 1) The Three Mile Island and World Trade Center events should not be linked together. The FBI has not connected these two separate events and testified to this "non-linkage" during a March 19, 1993 U.S. Senate Hearing. Further, neither the U.S. Department of Energy (DOE) or Department of Defense (DOD) have linked these two incidents.
- 2) The size of explosive proposed by the NRC is significantly larger than any explosive ever detonated in the United States. The Design Basis Explosive should be comparable to the largest explosive previously used in the United States.
- 3) There have been no previous instances of vehicle bombs being driven in the United States. A suicidal vehicle bombing or any kind of moving vehicle bomb has never occurred in the United States. Instead, the norm for vehicle bombings worldwide, is to park the explosive laden vehicle and remotely detonate the explosives.

9401070051 931230  
PDR PR  
73 58FR58804 PDR

DS/O

S. Chilk

December 30, 1993

Page 2

- 4) The Backfit Analysis performed by the NRC does not objectively provide sufficient justification to support the determination that the requirements of the proposed rule provide a significant increase in the protection of the public health and safety. In fact, in the analysis of the TMI event, the NRC concluded in NUREG-1485, conclusion 6.1, that: "The event resulted in no actual adverse reactor safety consequences and was of minimal safety significance". Existing security measures and the "defense in depth" approach of nuclear plant safety systems are sufficient, as concluded in NUREG-1485 and as previously determined during the Gulf War, to ensure the public health and safety.
- 5) The NUMARC comments recommend that the DBT be augmented with a specified kinetic energy that would allow for the use of active barriers with documented performance satisfying the specified energy requirements. With a specified energy in place, the need to perform costly independent testing to demonstrate performance would be eliminated.
- 6) We need additional time to perform an analysis. The current 90 days proposed by the NRC is not sufficient for those licensees proposing alternative methods of protection to perform the required supporting analysis. NUMARC has proposed 180 days for the study of alternative methods, Northern States Power Company fully supports the 180 day time frame.
- 7) The requirement for licensees to objectively demonstrate the satisfactory performance of alternative measures is unfair. The NRC is asking licensees to objectively demonstrate satisfactory compliance with subjectively determined criteria. It is not reasonable for the NRC to require licensees to perform analysis beyond what the NRC has done in support of the proposed rule.

In addition to the above discussion of the NUMARC industry comments, Northern States Power Company would like to provide the following comments on the proposed rule which appears in the November 4, 1993 Federal Register (58FR 58804 to 58807).

- 1) High explosives, technologically sophisticated and capable of causing significant damage to nuclear power plants, are not readily available in the United States.
- 2) According to FBI testimony, terrorists will hit only "soft targets". The FBI considers nuclear power plants to be "hardened targets". The FBI has not determined any linkage between the World Trade Center and Three Mile Island events. The proposed rule should take into consideration the fact that a nuclear

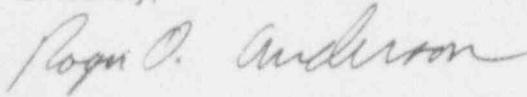
plant is a hardened target, (e.g. armed guards available for response). According to the FBI, DOE, and DOD, the threat proposed by the NRC does not appear realistic. Any revision to the Design Basis Threat should be based on a realistic threat.

- 3) DOE and DOD have not modified their design basis threat based on these two events. DOE addresses the LVI from a significantly less prescriptive approach. It is recommended that the NRC further coordinate a more realistic approach.
- 4) If the LVI is to be included in the DBT, further evaluation of the entire DBT is needed. The NRC has not made a reduction commitment of the insider threat due to the implementation of the FFD and Access Authorization Rules by all Nuclear licensees. This reduction should be part of the revised DBT.
- 5) More time is needed for implementation than is currently provided for in the proposed rule. Those licensees that will be required to provide analysis to justify alternative measures will also need a larger window in which to prepare for and construct Vehicle Barrier Systems. Plant safety (e.g. assuring ingress and egress of emergency vehicles) is a primary concern.
- 6) Any Land Vehicle Threat added to the Design Basis Threat should be based on terroristic history in the continental United States. Currently, terroristic history does not support the threat presently being proposed. The FBI has publicly stated that, "state sponsored" terrorism is steadily declining worldwide and is non-existent in the United States.
- 7) The NRC should implement a program of "Threat or Alert" similar to DOD's "DEFCON" (Defense Condition) program. Under this program, when information is received from the intelligence community of an impending security alert, the NRC would immediately notify the industry and provide a recommended level of action. The industry, in turn, would be required to develop security response plans based on these threat levels. These licensee plans would in turn require close coordination with local and state law enforcement authorities.
- 8) If the NRC considers a foreign country-sponsored paramilitary attack on a nuclear power plant credible, such as terroristic acts, the federal government should be prepared to protect nuclear power plants in accordance with 10 CFR 50.13.

S. Chilk  
December 30, 1993  
Page 4

Please contact us if you have any questions concerning our comments related to the proposed Protection Against Malevolent Use of Vehicles at Nuclear Power Plants rule.

Sincerely,



*for* D.D. Antony  
Vice President  
Nuclear Generation

c: NUMARC