

COMMITTEE TO BRIDGE THE GAP

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(58 FR 58804)

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31 December 1993

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Attention: Docketing and Services Branch

Re: Comments on Proposed Revisions to Design Basis Threat Regulations, 58 FR 58804

To Whom It May Concern:

Enclosed please find comments by the Committee to Bridge the Gap regarding the Commission's proposed revisions to its Design Basis Threat (DBT) regulations. We also join in the comments submitted separately by the Nuclear Control Institute.

We also wish to make the following additional comments:

1. The language regarding a "four-wheel drive" vehicle should be removed. It makes it appear that larger vehicles than, say, a jeep or pickup truck, need not be protected against. And it would appear to say that a pickup truck with four-wheel drive must be protected against, but an identical sized vehicle without four-wheel drive need not be protected against. One should perhaps indicate that one must protect against four-wheel drive vehicles, but also against other types of vehicles as well. In short, the language should require protection against all land vehicles, used for any purpose in an attack upon a nuclear facility.
2. The proposed language implies one need only protect against a vehicle used for transport, not for breaching barriers or for use as a truck bomb. This needs to be changed. It is, after all, the truck bomb threat that this rule is supposed to address.
3. The proposed language could be read to suggest that one need only protect against a vehicle containing equipment capable of being hand-carried, as opposed to that which the vehicle could carry. Furthermore, the language is unclear, as it could be read to consider only hand-carried explosives, in addition to hand-carried equipment. The phrase "hand-carried" should be removed.
4. 73.44(c)(8) appears to delegate to the licensee the regulation function properly exercised by the Commission. It should be changed to make clear it is the Commission that must approve the vehicle control measures, it is the Commission that must confirm that the measures meet the design goals and criteria, and it is the Commission that must regularly inspect so as to enforce this requirement.


Lastly, we wish to remind the Commission that it committed to a phased plan for consideration of revisions to the DBT regulations. The initial phase was consideration of the vehicular attack question. Subsequent phases are to address altering the other outdated aspects of the DBT: the requirement that one need only protect against a total of three attackers, acting as only one team, using only weapons that can be hand-carried and are only up to hand-held automatic

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weapons in sophistication or power. We note that the accused conspirators in the World Trade Center bombing number far more than three; operated as more than one team; and used far more explosives than could be hand-carried. While we commend the Commission for finally addressing the truck bomb issue (a decade after we first brought it before the Commission for action), it is now time to commence curing the remaining defects in the Commissions nuclear security regulations.

Sincerely yours,

A handwritten signature in cursive script that reads "Daniel Hirsch".

Daniel Hirsch
President

enclosure

Comments on Proposed Rule, 10 CFR Part 73: Protection Against Malevolent Use of Vehicles at Nuclear Power Plants, Submitted by Committee to Bridge the Gap

We wish to commend the Commission for deciding to revise the design basis threat to include the danger of vehicular bombs. At the same time we remain troubled by two matters:

- 1) Assurance that licensees will implement adequate protective measures to address the vehicular bomb threat.
- 2) Absence of Commission commitment to resolve other deficiencies in the design basis threat.

Adequacy of implementing protective measures: While proposed 10 CFR 73.55 (c) (7) and (c) (8) require that licensees implement vehicle barrier systems and compare mechanisms to NRC design goals and criteria, the Commission allows the licensee to determine whether its protective measures conform. The adequacy of such measures should not be resolved by the licensee alone. The Commission should bear responsibility to certify--via site visits--that licensees' measures meet NRC criteria. Without such certification, the Commission cannot reassure the public that licensees have addressed the vehicular bomb threat.

Other deficiencies in the design basis threat: The Commission made a commitment to reconsider the design basis threat broadly, beyond the truck bomb issue alone. (See Memorandum to the Commission from Executive Director James M. Taylor March 11, 1993.) A number of matters remain to be addressed. NRC security regulations in 10 CFR 50.13 and 73.1 still mandate that nuclear power plants need not protect against sabotage by

- more than one insider
- more than three external attackers
- attackers capable of operating as more than one team, i.e. capable of employing "effective team maneuvering tactics"¹
- enemies of the United States

The modest level of threat against which plants are required to be protected was rationalized when originally promulgated in 1974-1976 on the following bases:

- Intelligence that there were no known groups "having the combination of motivation, skill, and resources to attack a fuel facility or nuclear power reactor."²
- Studies asserting that redundant safety measures made severe core damage of such low probability as to be "non credible."
- The belief that prospective terrorists had demonstrated an unwillingness to undertake actions that would result in large numbers of casualties and the assertion that moral and political constraints prevent terrorist

¹41 FR 34310 July 5, 1977 at 34311.

²NRC's Statement of Consideration accompanying final rule 42 FR 10836, February 24, 1977.

actions that would result in significant property damage and injury and death.

--The presumption that foreign terrorists would not undertake serious acts in the United States.

Each of these assumptions have been called into question since promulgation of the design basis threat. The Three Mile Island accident demonstrated that the assumptions of severe fuel damage being noncredible were in error even for accidental destruction. (The consequences of successful sabotage of critical plant components could, of course, be far worse than Three Mile Island which terminated prior to full core melt and containment failure.) Further, the capabilities, motivations, and resources of terrorist groups--some now state sponsored--appear to have grown significantly since the NRC arrived at its threat basis. And most importantly, any assumption of moral and political constraints preventing terrorists from taking large number of lives in the United States appears to have been overturned in the wake of the World Trade Center bombing and plans by the terrorists to target other critical facilities including nuclear power plants.

In light of these considerations and the failure of the NRC to remove from public document rooms sensitive security information on the vulnerability of nuclear plants and means to bypass defenses, the Commission has a heavy burden to assure the public that the design basis threat adequately reflects the danger and that protective measures are up to the challenge. Specifically, the Commission must review whether assumptions about the insider threat, the numbers and capabilities of attackers and the possibility that they may include foreign enemies of the United States suffice. The Commission's willingness to protect against malevolent use of vehicles against nuclear power plants already acknowledges that the threat environment is deadlier than the design basis threat assumed originally. The time for a comprehensive review of the standard that goes beyond the vehicular bomb threat is now upon us. We call upon the Commission to act promptly and responsibly.