

PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 28, 1994

CHAIRMAN

Dr. J. Ernest Wilkins, Jr., Chairman
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Chairman Wilkins:

When you met with me on March 9, 1994, we discussed the December 10, 1993 letter from the ACRS concerning the proposed rulemaking on protection against malevolent use of vehicles at nuclear power plants. In that conversation, you suggested it would have been more appropriate for the Commission to respond directly to the issues raised by the ACRS because the Commission had provided specific direction to the staff.

In the December 10, 1993 letter, the ACRS raised a number of concerns that relate specifically to the rulemaking, including the need for the rule change, the speed with which the rule was proceeding, and the consideration of probabilities in determining whether the changes being proposed were in proportion to the risk. Consequently, these comments as well as other comments received during the comment period, are being considered by the staff, which will provide its recommendation to the Commission along with the final rule. As part of this process the staff has applied the NRC backfit procedures to this rulemaking, including consideration of current information provided by federal law-enforcement and intelligence agencies.

With respect to the issue of quantifying risk, the Commission agrees with the general premise in your December 10 letter that considerations of probabilities can help make rulemaking a disciplined process. While in many cases considerations of probabilities can provide insights into the relative risk of an event, in some cases it is not possible with current knowledge and methods to usefully quantify the probability of a specific vulnerability threat. The Commission directed the staff to develop a proposed rule for public comment and Commission consideration to address protection of power plants from vehicle attack based on a number of considerations, of which, probability of a vulnerability is only one. For example, the intrusion into TMI resulted in a significant disruption of plant activities with a potential for decreased safety. We assure you that the Commission will carefully weigh all appropriate information in reaching its decision on the final rule.

Sincerely,

Ivan Selin

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