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David L. Meyer, Chief
Rules Review and Directives Branch
Division of Freedom of Information
and Publications Services
Office of Administration

SUBJECT: REGULATORY GUIDE ISSUANCE

Enclosed for publication in the notice section of the Federal Register is a notice of the issuance of Draft Regulatory Guide DG-5006.

Lloyd J. Donnelly, Director
Financial Management, Procurement
and Administration Staff
Office of Nuclear Regulatory Research

Enclosures:

1. Federal Register Notice
2. Draft Regulatory Guide DG-5006

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NUCLEAR REGULATORY COMMISSION
Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified as DG-5006, "Protection Against Malevolent Use of Vehicles at Nuclear Power Plants," and is intended for Division 5, "Materials and Plant Protection." DG-5006 is being developed to provide guidance acceptable to the NRC staff on protecting nuclear power plants against the malevolent use of vehicles at nuclear power plant sites.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. The draft guide has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by January 3, 1994.

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Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 24th day of November 1993.

For the Nuclear Regulatory Commission



Lloyd J. Donnelly, Director
Financial Management, Procurement, and
Administration Staff
Office of Nuclear Regulatory Research

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PDR 020

COMMENT RECEIVED ON
5/10/93 MEETING ON DBT

July 11, 1993

Ms. Joan Higdon
Mail Stop 4E4/WFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Ms. Higdon:

These are the comments of the Ohio Citizens for Responsible Energy, Inc. ("OCRE") on the NRC's "Review of the Design Basis Threat for Radiological Sabotage," 58 Fed. Reg. 21546 (April 22, 1993).

OCRE believes that recent events have indeed shown that redefinition of the design basis threat is warranted. Two recent events have illustrated the vulnerability of nuclear power plants to terrorist attack: (1) the February 7, 1993 event at Three Mile Island where an individual drove a vehicle onto the site and crashed a gate into the protected area (the individual was not apprehended for 4 hours); and (2) the February 26, 1993 terrorist bombing of the World Trade Center in New York. While the latter event was not directed against a nuclear facility, it certainly illustrates that terrorists can operate effectively within the United States, can gain access to explosives, and can cause destruction and death. This concern has been exacerbated by the recent arrest of 8 Muslims in New York who were allegedly plotting multiple bomb attacks and assassinations. q

The event at TMI raises some serious "what if" questions: what if the individual had been driving a vehicle laden with explosives? What if the individual, who was loose on the site for 4 hours, had been armed? What if the individual had been accompanied by a team of armed commandos in the vehicle? Although the individual involved did not appear to have malevolent intentions, the TMI event illustrates the ease with which persons who do have malevolent intentions could gain access the protected area. b

For the bulk of its substantive comments on this matter, OCRE is referencing and enclosing its comments submitted in January and February 1991 in support of PRM-73-9. Although written during the Persian Gulf War, most of the comments remain applicable today.

The issue of radiological sabotage must include consideration of both the currently operating reactor population and future plants. For future plants, the task is less urgent and much easier. Protection for future plants should involve both siting and design. Future nuclear power plants should have resistance to radiological sabotage built into the design. Such sabotage resistance should include "hardening" of vital areas to reduce risk of damage due to explosions, missiles, etc., as well as c

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plant layout to reduce the ease of disabling redundant trains of equipment. E.g., having all the Diesel generators in one building or area makes it easier for the saboteur to disable all of them once access has been gained to the area.

As for siting to reduce the risk of radiological sabotage, OCRE recommends that the Exclusion Area Boundary for future plants have a radius of at least one mile. OCRE believes that the EAB should serve not only to protect the public from the reactor, but also to protect the reactor from malevolent persons in society. A minimum EAB radius of 1.0 mile, within which the licensee has total control of all activities through ownership of property and the application of appropriate security measures, could help minimize the threat of terrorist acts of radiological sabotage. d

To provide appropriate protection, the EAB should not be traversed by any highways, railroads, or waterways on which traffic is freely permitted. This may present special problems on waterways. Most nuclear power plants are located adjacent to navigable waterways. Prohibiting boat traffic within 1 mile of the nuclear plant may require legislative authority. Under the civil and common law, free public use of navigable waters takes precedence over riparian or littoral rights. (See 78 Am Jur 2d Sections 88-112.) OCRE believes that restrictions on public use of waterways within 1 mile of a nuclear power plant are necessary to preclude terrorist use of watercraft to approach the plant. e

For the current generation of operating plants, appropriate measures must be taken to minimize the risk of terrorist attacks and radiological sabotage. Such measures must include the restriction of unauthorized vehicles and persons from the plant EAB, including the restriction of boat traffic within the portions of the plant EAB that include bodies of water. However, as noted above, there may be legal impediments to implementation of such measures. f

Operating plant security measures must be upgraded to counter the maximum credible threat. This threat certainly includes the use of vehicle bombs, multiple assailants, and sophisticated weaponry. The experience with the Branch Davidians cult in Waco, Texas has illustrated that it is quite possible to amass an arsenal. g

Respectfully submitted,



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