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Florida
Power
CORPORATION

February 15, 1994
NL94-0002

Mr. Samuel J. Chilk
Secretary, U. S. Nuclear Regulatory Commission
Attn: Docketing and Services Branch
Washington, DC 20555

Subject: Protection Against Malevolent Use of Vehicles at Nuclear Power Plants
(58 Fed. Reg. 58804)

Dear Sir:

Florida Power Corporation (FPC) has reviewed the proposed rule expanding the design basis threat (DBT) to include vehicle-laden bombs and opposes this action. The proposed rule appears to be based more on perception than on a quantitative evaluation of the Three Mile Island and World Trade Center events. We believe that the two events should be considered as basically irrelevant in determining the appropriate DBT for nuclear power plants from the perspective of the NRC. As noted in the proposed rulemaking, the TMI event did not pose any threat to public health and safety. The most compelling conclusion one can draw from these events is that publicity-seekers of questionable judgmental capacity may view nuclear power plants as "targets," but terrorists with the capacity to assemble and deploy truck bombs do not.

We are particularly concerned by the prescriptive nature of the proposal. Responsible owners or managers of any commercial enterprise should reassess the risk from malevolent actions against the cost for deterrence when circumstances appear to have changed. In this case, we have done so and for Crystal River Unit 3 (CR-3) we have judged it to be unnecessary to employ the types of features the proposed rulemaking suggests since the existing CR-3 configuration provides a great deal of deterrence. Had the proposal been to discontinue the exclusion of truck bombs from consideration as part of the DBT, and had the Commission suggested a means to compare the risks from this external event with others, we would be less concerned.

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From a broader perspective, the Commission must, in our view, consider the policy implications of this rulemaking. When the agency proposes hardware fixes in response to an external occurrence that poses no threat to public health and safety or national security, the current initiatives associated with cost-beneficial licensing are undermined.

We are also concerned by other aspects of the proposal. Following are those we consider to be most important.

Quantification of Risks and Benefits

The information accompanying the notice (page 5 of the regulatory analysis) states:

> "Traditionally, the staff has not attempted a quantitative evaluation of the benefits associated with safeguards requirements."
>
> and
>
> "...no technical basis was available for quantifying the contribution of sabotage to the overall risk from nuclear power plant operations."
>
> "For the purpose of this analysis, a quantitative evaluation would require, among other things, quantification of the likelihood that someone would use a vehicle bomb in an attempt to damage a nuclear power plant, the probability that the bomb would be set off from a stationary location or that forced entry into the PA would be attempted, the probability that a bomb of a particular size would be used, and the probability that the bomb would be in a particular location. Staff is unable to quantify any of these factors." (emphasis added)

The picture painted by reading the regulatory analysis is that the Staff is satisfied with the justification that some parts of the vital area may be so close that an externally detonated bomb might damage something sufficiently that some threat to public health and safety could occur. With this uncertainty, the Commission should direct the staff to find a way to at least estimate most of these values. Without such an assessment licensees may expend excessive resources on security as compared to other external threats. The technology for doing complex systems interaction and vulnerabilities analyses has continued to improve. It is certainly possible to assess the relative risk from the damage or loss of equipment in one physical area. For example, any legitimate fire-PSA must do so. An even less rigorous approach of simply reviewing minimum target sets developed from the RER/OSRE efforts, or safe-shutdown equipment lists developed as part of A-46 resolution would yield useful information.

It is difficult to understand why the NRC management would expect such assessments of external events by licensees, as requested in Generic Letter 88-20, Supplement 4 (IPEEE), and not expect the same of its own staff. We understand that such an assessment might rely heavily on estimates when it comes to core damage frequency values, but the real risk could certainly be better estimated. We believe that such an assessment could significantly change the understanding of the relative importance of all security measures, not simply the threat potentially posed by bomb-laden vehicles.

Value/Impact Assessment

Without an estimate of risk or benefits, it is difficult to do any traditional sort of cost/benefit assessment. The Commission's rules and practices require a cost/benefit assessment, but a true cost/benefit assessment was not provided with the proposed rule. The Decision Rationale explained the reasoning, but the question of whether the benefits and risk reductions warranted the costs are left unaddressed. Having a reason for the choice suggested is not the same as having a cost/benefit assessment.

The effort at estimating costs is also insufficient. The cost is assumed to be totally in construction. No cost is included for increased maintenance. This is never true. Any capital addition adds operating and maintenance (O&M) costs, unless one of its benefits is to lower some existing O&M burden, which we do not believe to be the case in this instance. Further, to assume the total cost of the installation of any structure, system or component at a nuclear power plant is only twice the cost of the structure, system or component itself is non-conservative. Any time one has to install sub-surface structures one must also deal with the interferences presented by previously installed cable, etc. This may make the cost of the system a small fraction of overall costs.

Another item neglected was the interference imposed during construction. Changes in normal traffic flow during installation will also be costly.

Obligation for Licensees Proposing Alternate Actions

The proposed rule puts the burden on the licensee to provide an analysis of the risk reduction of proposed alternatives. The same difficulties in quantifying risk noted above are apparently assumed to be readily resolved by the licensee who does not choose to solve the "problem" in the manner suggested by the NRC. The standards that the Staff does not meet in the proposed rulemaking are thus imposed on the licensee. Further, while the Staff has not performed a quantified cost-benefit analysis on its proposals, it will have to review and approve those suggested by licensees. In our view, the Staff must conform to the backfitting rule and either substantiate that the proposed rule is cost-beneficial or withdraw it.

Conclusion

As noted in our Cost Beneficial Licensing Actions (CBLA) submittal last year, FPC would be willing to participate with the NRC in an appropriate effort to assess the relative benefit of security safeguards as they relate to risk. This measure could then be compared to other contributors to better understand the relative importance and overall risk. We have contacted appropriate consulting firms that have worked with the NRC in doing target analysis and with the industry in doing probabilistic safety assessments. They assure us that such an effort would be productive and insightful. We had planned to do this as part of our CBLA effort. If such an effort would be well received by the staff, it would be a more appropriate focus, in our judgement, than the proposed rule.

Finally, without a substantially improved assessment of relative risks and benefits, this proposed rulemaking is legally and technically deficient. The best time to address requirements marginal to safety is at their inception and we urge the Commission to reconsider the current proposal.

Sincerely,

P. M. Beard, Jr.
Senior Vice President
Nuclear Operations

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