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May 25, 1995

The Honorable Ivan Selin
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Selin:

We are writing to you with regard to the NRC rule on "Protecting Against Malevolent Use of Vehicles at Nuclear Power Plants" (59 Fed. Reg. 38889, August 1, 1994) and the need to reassess a key element of that rule in the wake of the Oklahoma City bombing.

You will recall that in the final stages of the drafting of the truck-bomb rule, we wrote to you expressing our concern that the size of the design-basis bomb had been reduced. We inquired as to whether the design-basis bomb was larger or smaller than the bomb that destroyed the World Trade Center. You declined to answer that specific point but assured us that "the changes were not as extensive as [we] suggested in [our] letter."

The Oklahoma City bombing has renewed and exacerbated our concerns, in part because the force of the explosion there apparently was several times greater than that at the World Trade Center (a factor no doubt taken into consideration in the decision to close off Pennsylvania Avenue to vehicular traffic in front of the White House). While the NRC did advise its licensees that "it would be prudent to heighten security awareness around their facilities," we understand that the NRC did not direct licensees to implement their contingency plans after the Oklahoma City bombing. If the Commission is not in a position to respond as decisively as the Secret Service to potential threats, it is all the more important that the underlying rule provide sufficient protection in anticipation of an increase in the threat.

The NRC cannot afford to operate as it has in the past, upgrading its design-basis rules only after the fact. Under current practice, the NRC upgrades its rules after the perpetration of a terrorist incident that exceeds the maximum credible threat presumed by NRC security requirements. This approach leaves the Commission chronically "behind the curve," protecting its licensees against the last terrorist event rather than the next one.

You will recall that the Commission dismissed our original efforts, beginning ten years ago, to upgrade protection against truck-bombs at nuclear power plants. The Commission argued that no such threat was then known to exist and that the NRC would have sufficient advance warning if one did materialize. It made the same argument two years ago in denying our petition for rulemaking. Then, the intrusion at Three Mile Island

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and the bombing of the World Trade Center in February 1993 demolished those arguments. Yet, the rule still has not been implemented because it was not published in the Federal Register until August 1994, and licensees were then given 18 months to come into compliance. Now the Oklahoma City bombing demonstrates that the rule is already obsolete.

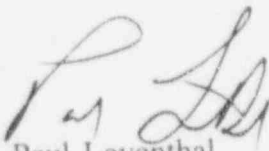
We urge you to address the Oklahoma City bombing by

- increasing the size of the design-basis bomb to a size significantly beyond that of the Oklahoma City bomb, so as to accommodate the apparently increasing danger of the threat. Licensees should submit their revised implementation plans on an expedited basis so that the new rule will still be implemented no later than February 1996;
- taking additional steps to ensure that the rule is sufficiently flexible so that it can be adapted to incorporate, in a timely fashion, new information on potential threats, and
- expediting Phase II of the reassessment of the design basis threat, which deals with such issues as the number of attackers, their weaponry and sophistication, and the insider threat.

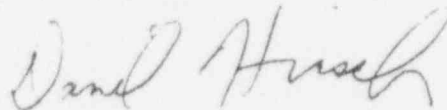
As you approach the end of your tenure on the Commission, we again commend you for your efforts to institute the truck-bomb rule. We urge you to take the steps cited above prior to your departure to ensure that the rule will have lasting value.

We look forward to your response on this important matter and would appreciate the opportunity to meet with you to discuss it.

Sincerely,



Paul Leventhal
President
Nuclear Control Institute



Daniel Hirsch
President
Committee to Bridge the Gap

cc: The Commissioners
Dr. Shirley Jackson
Senator Joseph Lieberman

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