

DOCKET NUMBER
PROPOSED RULE 73
(70FR 67380)

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DOCKETED
USNRC

February 22, 2006 (2:50pm)

February 21, 2006

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington D.C. 20555-0001
Via E-Mail- SECY@NRC.GOV

Attention: Rulemaking & Adjudications Staff

RE: DBT RULEMAKING – FEDERAL REGISTER (11/07/2005) 70 FR 67, 380

Dear Secretary Vietti-Cook,

The Hudson River Clearwater's and Rockland F.U.S.E.'s comments with respect to the above referenced rule making on design basis threats to nuclear facilities, follows:

COMMENTS of HUDSON RIVER CLEARWATER

Hudson River Clearwater and Rockland F.U.S.E. wishes to endorse, incorporate, and adopt as its own, comments with respect to design basis threat (DBT) the letter filed on January 23, 2006 day by Union of Concerned Scientists and POGO's letter to NRC Chairman Niles Diaz regarding the DBT filed on December 9, 2003.

Paul Revere's warning during the Revolutionary War was one is by land... two if by sea. Today his warning would be one if by land...two if by sea,...three if by air,... four if by insider,... five if by cyber space, and six if from all fronts at the same time. Now and in the future terrorism will continue to grow and become more sophisticated.

Terrorism is a reality today; it is not a hypothetical, but an issue of national security. The current administration warns that the War on Terror is far from over. In fact we must plan on fighting it for many years to come.

The NRC's organizing mission and mandate are to the regulate the nuclear industry in order to protect the public safety. The NRC must have the foresight to protect against credible and realistic threats in today's world using available technologies.

The NRC's complacency shown by proposing proposing feeble DBT revisions ignores the realities of post 9/11 world, and are both morally appalling and criminally negligent.

Four years after 9/11 the NRC has barely begun to take baby steps to insure that

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America's nuclear facilities can defend against a terrorist attack or sabotage. The minor revisions the NRC has proposed are virtually meaningless and do not give reasonable assurance that the public's health and safety will be adequately protected.

A: PROPOSED DBT DOES NOT PROTECT AGAINST CONCEIVABLE ATTACKS

Many stakeholders and scientists can anticipate low-tech terrorist attacks using basic logic and common sense. The following are examples of conceivable, potential attacks.

1. A rocket launcher can shoot a bunker buster across the Hudson River or from a boat in the middle of the river to breach the containment dome.
2. Scuba divers clog the water exchange, causing failure of the sump pumps in the containment dome.
3. A small plane drops a conventional bomb into the densely packed fuel pools, causing a radioactive fuel fire.
4. A cyber event causes an internal fire that knocks out redundant back-up safety system.
5. One or more insiders sabotage the back up shut down systems.
6. Some or all of these conceivable attacks happen simultaneously.

B: RECOMMENDATIONS

Below are our recommendations for the final DBT revisions:

1. NO FLY ZONE:

No-fly zones over the nations 103 nuclear facilities are an absolute necessity. Yankee Stadium, the White House, the President and Vice President's homes can have no-fly zones, all the 103 nuclear facilities must be afforded the same protection.

- a. The NRC and the FAA are both members DHS Radiological Preparedness Committee. They must pull out all stops to make this happen for the sake of Homeland Security.
- b. The NRC claims that a no-fly zone of less than a 100 miles is ineffective and they cannot require a no-fly zone around Indian Point because by doing so it would force the local New York area airports to shut down.
- c. The NRC's reason for not requiring a no-fly zone is conflated. It is economically unrealistic to close area airports that are vital to the region. Therefore since a no-fly zone is a vital to prevent airborne attacks, plants located near large airports cannot continue to operate in order to adequately protect public health and safety.

2. BEAM HEDGE:

Beam Hedge systems must be immediately installed over all nuclear facilities. Beam Hedge is a relatively inexpensive protective measure that is currently being used in Europe. Not to mandate Beam Hedge as part of the DBT is a major oversight.

3. SPENT FUEL POOLS

The over packed spent fuel pools located in unreinforced structures are extremely vulnerable. Reinforcing the spent fuel pool structures, to be equal to containment domes and reducing densities of over packed spent fuel pool are essential to a functional DBT.

4. DRY CASKING

a. The movement toward dry casking is being done without proper protection creating open fields of unbermed, dry casks, thereby adding an additional terrorist threat, rather than reducing the area of concern. The NRC must require berming of dry casks at part of the DBT in order to reduce areas of potential attack.

b. Placing dry casks on open platforms next to Hudson River make a very attractive site for high level nuclear waste theft and will require a vastly expanded security force. Comparing the costs of berming vs. a permanent increased security force - Berming is clearly more cost effective.

5. FORCE ON FORCE DRILLS

a. Allowing Wakenhut to test their own security is a clear conflict of interest. An independent evaluator must objectively grade plant performance.

b. The rating system must be clear and unambiguous. A pass and fail grading system should be used. Any facility that does not meet the DBT must be closed until they can clearly demonstrate that they have the ability to insure proper and complete protection in line with robust final DBT standards.

c. Currently plants receive ample notification as to when a drill will occur, which greatly reduces the value of the drill. Drills should occur randomly through the year, day or night, against a professionally trained adversarial force. There are ways this can be done without jeopardizing plant safety.

d. An attack will not be a rehearsed play, but a spontaneous, surprise event. We cannot assume the terrorists will follow our script. Terrorism is just that, it is chaotic, and unexpected. Since we cannot control the terrorist's actions the guards security and all plant employees must receive in-depth terrorist training, on an on-going basis.

e. The adversarial force used must be at least as large as the 19 terrorists that attacked on 9/11, some of which flew directly over Indian Point. A requirement to repel an even larger group would be prudent.

f. Guard must be expected to defend against weapons available on the street today.

g. More than one entrance must be protected during the drill, and multiple attack team must be tested simultaneously.

h. Limiting the DBT to only one insider is shortsighted. Since 9/11 at Indian Point alone, some of the security breaches were that guards have lost guns and fallen asleep, possible sabotage of the electrical lines caused a shut down or was that the squirrel with a nut, swastikas have been found in secure areas, and two hunters' with rifles wandered onto the plant in the same day,

C: UNIQUENESS OF EACH PLANT

Each of America's 103 nuclear facilities plant is unique, due to its location and surrounding population. Therefore the DTB for each plant must have its own specific requirements depending on its geographic location and surrounding population density. This cannot be one-size fit all program.

The needs of a plant in Iowa that is landlocked, surrounded a rural population and plenty of evacuation routes, is very different from Indian Point, which is located on the shores of the Hudson River -

one of the most navigable rivers from space, 25 miles from NYC, 3 miles from the West Point Military academy, surrounded by a population of over 20 million, and is a known terrorist target.

D. NUCLEAR INDUSTRY

We hope and expect that the NRC will incorporate comments from stakeholders and weigh them equally with NEI's white paper, which thus far have been the only comments the NRC has considered.

Chairman Diaz wrote, "The NRC has a well-established policy of public involvement in the regulatory process that has contributed to ensuring the health and safety of the public. The NRC's mandate requires that it strives to foster openness in all its regulatory activities, and to that end have incorporated openness as a performance goal in the NRC Strategic Plan".

The NRC's obligation is to work closely with stakeholders as well as licensees to ensure that nuclear power is safe and secure. By accepting NEI's white paper without open peer review is tantamount to rubber stamping the nuclear industry's agenda of maximizing profits by minimizing costs, even if it means not providing adequate protection to the public's health and safety.

The proposed DBT is clearly skewed in favor of protecting the profit margin of the privately owned nuclear industry, while not adequately protecting the American public from a successful terrorist attack.

If an owner or operator of a nuclear plant is required to spend more money than they would like to meet meaningful DBT standards, then that is the real cost of operating a nuclear plant in the post 9/11 world.

A successful terrorist radiological event will bankrupt America, as Chernobyl bankrupted the USSR. By not requiring extensive security upgrades the NRC is playing Russian roulette with America's security and future viability.

If a successful radiological event occurs and plant security fails, then the nuclear industry will quickly die, along with millions of innocent Americans. It is in the best interest of the NRC and the industry to be pro-active, using all available methods to secure our nation's nuclear facilities. If the NRC waits to be re-active it will be too late. We do not have that luxury.

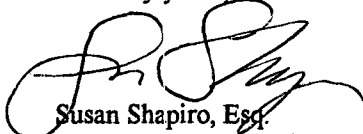
E. CONCLUSION

Wasn't 9/11 enough for the NRC to take terrorism within our borders seriously? After a radiological event, when hearings are held as to the failure of the NRC's weak DBT who will be willing to take responsibility?

It's time to write a new playbook with regard to nuclear security, not just revise Cold War regulations. The DBT is the first line of defense and must be designed to fight today's threat, not yesterday's.

TIME IS OF THE ESSENCE, America's homeland security remains at risk, the NRC must finalize DBT standards that can adequately protect our nation.

Sincerely yours,



Susan Shapiro, Esq.
Rockland F.U.S.E (Friends United for Safe Energy)