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Inadequate Protection of Nuclear Power Reactors Against Millennial Terrorist Attack

December 23, 1999

The Honorable Richard Meserve
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

REC'D BY SECY

Dear Mr. Chairman:

27 DEC 99 9:53 We are writing to protest in the strongest terms an unannounced NRC "advisory" issued two days ago to operators of nuclear power reactors that there is no need for them to take heightened security measures to protect their plants against terrorist attack during the immediate millennial period.

We ask for your personal intervention to countermand this NRC staff advisory, given the elaborate security precautions now being taken by other Federal, state and municipal authorities, and also given the generally lackluster performance of nuclear power plant security forces against mock terrorist attacks organized by the NRC. We further ask that you order enhanced security during the Y2K period, as specified below.

This is not the first time NRC staff has taken highly questionable and imprudent action on physical protection of nuclear power plants; nor would it be the first time that such action was countermanded by the Chairman. Just a little more than one year ago, NRC staff cancelled the Operational Safeguards Response Evaluation (OSRE) program (the mock attack program noted above) without informing the Commission of its action, and then-Chairman Shirley Jackson ordered the program reinstated within two days after the cancellation became publicly known. We ask you to take similar, decisive action in response to the current staff advisory because in this case the issue is not the results of mock attacks but the risk of real attacks that potentially put millions of American lives at risk if terrorists gained access to and caused radiological sabotage at a plant near a major metropolitan area like New York City, Chicago or Los Angeles.

NRC staff responsible for the advisory have told us the advisory states that in the absence of any intelligence information of a specific threat against nuclear plants or materials, there is no need for licensees to escalate security precautions at nuclear power plants. We also were told the advisory states the NRC will remain in contact with intelligence authorities and will pass on any new information to licensees.

The logic behind this advisory defies both common sense and the Commission's own

"Operating Assumption Covering the Use of and Reliability Placed in Information from the Intelligence Community" (SECY-78-158), quoted below.

To our knowledge, there is now no known specific threat against any domestic target in the United States, yet officials at all governmental levels (with the apparent exception of the NRC) are acting prudently to beef up security at critical infrastructure facilities against what they fear is a greater likelihood of terrorist attack associated with Y2K. The two recent arrests of suspected terrorists at U.S.-Canada border crossings, one of them transporting high explosives, indicates that such prudence is clearly warranted. The recent arrest in Florida of the regional commander and "brigadier general" of the Southeastern States Alliance, a militia group allegedly planning to destroy the Crystal River-3 nuclear power plant with stolen explosives, also suggests there is a basis for heightened concern by the NRC.

Given the unique devastation that would result from the release of the intensely radioactive contents of the core of a one-billion-watt nuclear power plant in the event of a meltdown caused by sabotage, it is inexplicable that the only major Federal agency not increasing security against terrorists during the millennial period is the NRC.

Beyond common sense, SECY-78-158 provides guidance the Commission and NRC staff are supposed to follow in avoiding over-reliance on intelligence information. It states in part:

Given the dire consequences which could arise from the theft of SNM or sabotage of a licensed facility, it will be necessary for NRC staff to operate on the basis of a conservative assumption to preclude over-reliance upon information from the U.S. intelligence community....

A prudent, viable safeguards system should not rely for its effectiveness on the accuracy and timely availability of intelligence information concerning the plans, characteristics and intentions of a hostile adversary.... Therefore, safeguards for licensed material and facilities should be structured to prevent theft and sabotage regardless of whether or not such information is known in advance....

This operating assumption accommodates the conservative perception that, given the manifestation of a significant threat to the nuclear industry, there is a possibility that the U.S. Intelligence Community would not be able to collect and report to the NRC in a sufficiently accurate and timely manner so that appropriate safeguards actions might be taken to thwart the threat.

Given this official guidance, and the highly problematical state of physical protection at nuclear power plants, the NRC should be ordering heightened security at these reactors---and in particular, at the 99 of 103 plants that will be on line in the United States during the Y2K period.

Our two organizations successfully petitioned the Commission to promulgate a truck-bomb rule in 1994 [10 CFR 73.1(a)(1) and 10 CFR 73.55(c)(7-9)], following the attack on the World Trade Center and the intrusion at the Three Mile Island-1 plant, but we have been unsuccessful in persuading the Commission to upgrade the rule to protect against the larger-sized bombs subsequently used against the federal building in Oklahoma City and the U.S. Air Force barracks in Saudi Arabia. All of these attacks occurred without prior warning. We also were successful in helping to bring to public attention the cancellation of the OSRE program and in winning the reinstatement of that program. But now NRC staff is engaged with industry in a highly questionable process to replace the NRC-run OSRE program with an industry-run "Self-Assessment Program" (SAP) for testing defenses at nuclear power plants. Absent strong regulatory oversight and enforcement of physical-protection requirements, site security at these plants will only become weaker and nuclear power plants will be perceived as "soft targets."

At present, these plants are potentially vulnerable to large-scale truck-bomb attacks, and nearly half of these plants have failed to repel mock terrorist attacks run by the OSRE program. Under these circumstances, we do not believe existing physical protection is sufficient to warrant the NRC staff's advisory to nuclear power plant operators to simply maintain security measures at current levels during the millennial period.

We ask that you direct NRC staff to issue a new advisory, directing nuclear power plant licensees during this period to take extra measures to ensure denial of access to terrorists. Licensees should be directed to activate their contingency plans for the next several weeks, and upgraded security measures should include, at a minimum, increasing the size of the guard force and frequency of armed patrols, upgrading vehicle barrier systems, and suspending non-essential visits and deliveries.

We urge your immediate attention to this urgent matter.

Sincerely,



Paul Leventhal
President
Nuclear Control Institute



Daniel Hirsch
President
Committee to Bridge the Gap

cc: President William Jefferson Clinton
Members, Nuclear Regulatory Commission
Dale L. Watson, Director, FBI Counterterrorism Division
Richard A. Clarke, Director, National Coordinator for Critical Infrastructure and Counterterrorism
Chairman and Ranking Minority Member, Senate Subcommittee on Nuclear Safety
Chairman and Ranking Minority Member, House Subcommittee on Energy and Power
Representative Edward Markey