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DOCKET NUMBER
 PETITION RULE PRM 73-12
(69FR64690)

STATE OF DELAWARE
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PLEASE REPLY TO: New Castle County Civil Division

January 21, 2005

By Facsimile Transmission
 Annette L. Vietti-Cook
 Secretary
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

DOCKETED
 USNRC

January 21, 2005 (8:35 am)

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

RE: RPM-73-12

Dear Secretary Vietti-Cook:

I write in support of Petition for Rulemaking #73-12, which would upgrade protections against terrorist attacks at the nation's nuclear facilities.

In the post-9/11 world, enhanced security for potential targets of terrorist attack in the U.S. is essential. This is particularly true of targets that could, if successfully damaged, pose substantial risk to large numbers of people. Few facilities in this country can match the potential harm arising from such an attack posed by nuclear reactors and spent fuel pools.

For this reason, upgrading protections for nuclear facilities should be a high priority. It is therefore of concern that there remains today, more than three years after the events of September 11, 2001, no protection of nuclear plants against air attack. It is also of significant concern that the "Design Basis Threat" (DBT) regulations still require only protection against a small group of ground attackers, in numbers and capabilities far smaller than we saw on 9/11.

Petition for Rulemaking 73-12 would remedy these deficiencies. It would require construction, on a time-urgent basis, of "Beamhenge" shields, consisting of steel I-beams and cabling at stand-off distances from sensitive reactor structures. Such construction

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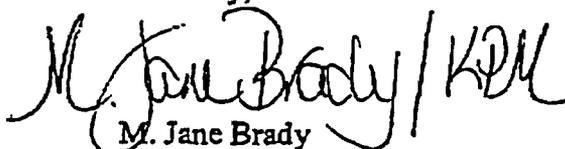
SECY-02

would result in an incoming plane crashing into the shield rather than the reactor, spent fuel pool, or critical support buildings. This could make all the difference between an event with no radiological consequences and one that could result in massive radioactive releases.

The Rulemaking Petition also proposes upgrading the DBT to numbers and capabilities equal to that evidenced by the terrorists on 9/11, plus a margin of safety. This seems prudent, given the era in which we live. The longstanding "three-and-one" DBT regulations (three attackers with the possible assistance of one insider), or any modest increase thereto, seems inadequate in light of the current terrorist threat. It seems hard to argue that reactors should be protected against numbers of terrorists smaller than what we have already seen attack us.

For the above reasons, we strongly support the Petition for Rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Jane Brady / KPM". The signature is fluid and cursive, with the initials "KPM" written to the right of the name.

M. Jane Brady
Attorney General