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From: "Birnie" <birnie@gainusa.com>
To: <SECY@nrc.gov>
Date: Sun, Jan 23, 2005 10:29 PM
Subject: Comments to NRC re: upgrades of DBT

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

210

Secretary,
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemakings and Adjudications Staff

Re: Petition for rulemaking for upgrading the design basis threat regulations for protection against Terrorist Attacks on nuclear reactors, as posted in FR Vol. 69 No. 215, Nov. 8, 2004

Dear NRC Commissioners and Staff:

We are appalled at the reluctance of the Nuclear Regulatory Commission to REQUIRE all operating and closed reactors to install specific stringent safety precautions for the reactor and also the storage area of the irradiated fuel, to protect against all possible terrorist threats. The type of foreign policy that this administration carries out actually increases the threat of terrorist attacks. Even after the September 11th attacks, the NRC is still pandering to the nuclear industry's intransigence in spending money to protect the public.

The secret orders issued by the NRC on April 29, 2003 supposedly alters the Design Basis Threat, now requiring reactor sites to conduct Operational Safeguard Response Evaluations once every 3 years instead of once every 8 years. The fact that the public was excluded from input in the revision contributes to our concern that not enough was done to protect the public. One of the values of the Nuclear Regulatory Commission is to provide public confidence that all safety precautions are in place at all reactor sites. When agreements are conducted in secret, we have no confidence that adequate safety precautions have been prescribed, or how mandatory these regulations are.

Therefore we strongly support the recommendations submitted to the NRC on July 23, 2004 by the Committee to Bridge the Gap for Upgrading the Design Basis Threat Regulations for Protection Against Terrorist Attacks on Nuclear Reactors.

It requests that the NRC upgrade the Design Basis Threat for U.S. nuclear power plants by:

1. revising DBT regulations to require NRC and the nuclear power industry to contemplate and prepare for:

- a) an attack of nuclear power stations by air and;
- b) an attack by land, air or water at least equal to the 9/11 attacks;
- c) attackers utilizing full range of potential weapons;
- d) a minimum of 3 insiders assumed to have passive and active capacity; and
- e) an attack by an explosive-laden land vehicle (full range of options of types).

- 2. a requirement "under a time urgent schedule" to construct shields at reactor sites consisting of "Beamhenge" type materials.

In addition I enclose, following, the text of a stockholder proposal that I submitted to the General Electric Company for consideration at the last two Annual Meetings, and which will be considered again this coming April, at its 2005 Annual Meeting. Sufficient shareholder interest has been shown each year, that this proposal qualifies for re-introduction. The proposal is directed to the vulnerability of the fuel pools to terrorist acts.

Proposal to the General Electric Company for inclusion at the 2005 Annual Meeting
REPORT ON VULNERABILITY OF IRRADIATED FUEL STORAGE AT GE REACTORS
WHEREAS:

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SECY-02

As long as GE-designed nuclear plants operate, they will continue generating radioactively and thermally hot, irradiated fuel rods. In order to replace some irradiated fuel rods every few years with new fuel rods, they must be transferred from the reactor vessel to the on-site Spent Fuel Pool for wet storage and cooling for at least five years. "Spent" fuel rods are thousands of times more radioactive and dangerous than when first installed. The US Nuclear Regulatory Commission has granted some utilities permission to store far more irradiated rods than had been intended in the pool's initial design. Irradiated fuel rods must be kept isolated from the biosphere for hundreds of thousands of years.

According to a February 2001 NRC study, even in a shutdown plant undergoing decommissioning, a spent fuel pool catastrophe could raise the risk of radiation-induced cancer as far away as 500 miles, and of fatalities from radiation poisoning near the plant. The risks from a fuel pool accident at an operating plant are at least as great.

Since each nuclear power plant's irradiated rods must be kept submerged in water at that plant's site, temporarily, highly radioactive rods will continue to be stored at every operating plant as long as nuclear plants continue operating.

In 2002 the President and Congress approved the siting of a federal underground repository for irradiated fuel rods at Yucca Mountain, Nevada. The repository is not finally designed or licensed. Even if it were to be licensed, its construction would not be completed until at least 2015.

The nuclear industry describes Yucca Mountain as one single site where all the nation's irradiated fuel rods could be consolidated. However, capacity at Yucca Mountain is limited by law. Older irradiated fuel rods now being stored at reactors would have priority for disposal space. There may not be room for a sizable number of fuel rods from GE-designed reactors in this first national repository.

In July 2004 the US Court of Appeals, DC Circuit, ruled that the EPA standard for the Yucca Mountain facility (that regulates radiation releases for 10,000 years) does not reflect the 1995 National Academy of Sciences finding that peak risks to public health "might occur tens to hundreds of thousands of years or even farther into the future."

RESOLVED:

In light of heightened public safety concerns, shareholders request that the Company prepare a report, at reasonable cost, that outlines the current vulnerability and substantial radiation risks of the interim storage of irradiated fuel rods at all GE-designed reactor sites and that proposes measures to reduce those risks. A copy of the report, omitting proprietary and security information, should be available to shareholders on request by August 2005.

SUPPORTING STATEMENT:

General Electric remains morally responsible and financially liable for reactors it has designed and sold to utilities, for seeking to secure its radioactive wastes, and for protecting its workers and the public into the indefinite future. We believe this study is essential for realistic and responsible security, economic and ethical planning.

Submitted by Patricia T. Birnie, 5349 W. Bar X Street, Tucson, AZ 85713 Phone: 520-908-9269
October 26, 2004

In conclusion, we urge the Commissioners and Staff to act with time-urgent speed, to require all nuclear power station compliance with the proposal of the Committee to Bridge the Gap. The public will suffer severe consequences of a catastrophic accident at any of the U.S.'s nuclear power stations, whether from operator error or sabotage/terrorist activity. It is the responsibility of the NRC to enforce the most stringent regulations that can assure public confidence for the safe operation of this country's nuclear power stations.

Sincerely,

Patricia T. Birnie, Legislative Chair
Tucson Branch of the Women's International League for Peace and Freedom
5349 W. Bar X Street
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