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(70 FR 67380)

# New England Coalition

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January 23, 2006  
Via E-Mail- SECY@NRC.GOV

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January 24, 2006 (11:15am)

Annette Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555-0001

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Attention: Rulemaking & Adjudications Staff

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

Dear Secretary Vietti-Cook,

Here follows New England Coalition's comments with respect to the above referenced rule making on design basis threats to nuclear facilities:

## COMMENTS of NEW ENGLAND COALITION

1. New England Coalition wishes to endorse, incorporate, and adopt as its own, comments with respect to design basis threat (DBT) filed this day by Union of Concerned Scientists.
2. Also, New England Coalition avers that the U.S. Nuclear Regulatory Commission (NRC) is acting in such a manner as to:
  - increase the threat of terrorist attack on commercial nuclear facilities,and
  - increase the potential consequences of acts of terror or sabotage against commercial nuclear facilities,

and that the NRC is therefore placing the public health, safety, and security at increased risk by:

- regulatory deference to commercial interests at the expense of appropriately robust and protective safeguards and security through the setting of arbitrary, unwarranted, and unrealistic upper or bounding limits to both threats and potential consequences,
- encouraging thereby a lack of appropriate safeguards at commercial nuclear facilities,
- encouraging thereby a lack of adequate preparedness on the part of the licensees, the potentially affected public, local police and other local responders, other federal agencies (such as, for example, the U.S. Coast Guard, the Federal Bureau of Investigation, and FEMA) and state and federal planners and lawmakers;

and that the NRC is thereby aiding and abetting the enemies of the people and the government of the United States.

3. NRC has adopted certain false and misleading assumptions, dispensed false and misleading information, and adopted erroneous conclusions, and worse, has engaged vigorous advocacy

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before Congress, this present Administration, the press, and the public to promote these falsehoods; all to the detriment of deterrence, prevention, and preparedness. Since 9/11, NRC pronouncements have been uniformly directed to lull and pacify legitimate concern about nuclear safeguards with the result that our people and our nation are more vulnerable to acts of terror or sabotage.

4. NRC has underestimated the capabilities, determination and intentions of terrorists. NRC has not produced a model for assault on a nuclear facility that accurately reflects the sophistication, planning, and resources that resulted in the events of 9/11; much less allowed for the possibility that terrorists may be quite capable of launching more sophisticated operations. Commissioner McGaffigan publicly stated the agency's intention not to shift the DBT to the same number of attackers as 9/11 during a Regulatory Information Conference shortly after the 9/11 events (2002). NRC ignores the classic intention of terror: to demonstrate to the public that its government cannot protect it; that government must react with indiscriminate repression. It therefore doesn't matter if a chemical plant or a tank farm is less well guarded. Nuclear plants have the appropriate cache as risks imposed on communities as national policy priorities.

5. NRC has underestimated the capabilities and availability of modern weapons, explosives, and incendiaries. The Milan missile, for example, will punch a fist-sized hole through 40 inches of armor plate at a range of about a mile. This 60-70 pound system reloads in about a minute and 40,000 of them are scattered around the world; were found to be in possession of the Taliban and in Iraq. According to 1960's vintage U.S. Army manuals, readily available on the Internet, two backpacks of PETN (150 pounds) will blow a six foot deep crater (12 feet in diameter) in heavily reinforced concrete. NRC bases its consequences modeling on the idea that only a small portion (<5%) of affected fuel will be rendered as respirable sized particles when, in fact, Department of Defense explosives experiments rendered in excess of 90 percent of affected heavy metal as respirable sized particles. NRC licenses independent spent fuel storage installations on the basis that even if the licensee loses control of the facility (to terrorists) the maximum resulting radiation dose to a member of the public at the boundary of the owner control area will be no more than 5 REM. This does not contemplate the impact or effect of any of the above-described instruments.

6. NRC relies on security forces almost entirely as a trip-wire to sound the alarm and while slowing down attackers to call in local police forces. The apparent presumption is that it would take a great deal of time to injure a reactor or spent fuel in such a way as to cause harm to the public before an arriving SWAT team can drive out or kill intruders. This scenario only begins to approach realism when the inventiveness, skill levels, and weapons choices of intruders are limited to NRC comfort levels. The public should not be asked to take comfort in this.

This concludes New England Coalition's comments save to second the ongoing requests from numerous public advocacy and nuclear safety-minded organizations, local and national, that NRC accord us, corporatively, the same respectful attentiveness in formulating its policies and adjusting its regulations regarding our own safety as it does the Nuclear Energy Institute – an industry lobbying organization.

On Behalf of New England Coalition,

Raymond Shadis  
Staff Technical Advisor

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