

**DOCKET NUMBER**  
**PROPOSED RULE** 73  
 (70FR 67380)

DOCKETED  
 USNRC

**From:** "Birnie" <birnie@gainusa.com>  
**To:** <SECY@nrc.gov>  
**Date:** Mon, Jan 23, 2006 3:39 PM  
**Subject:** Comments: Proposed Rulemaking RIN 3150-AH60

January 24, 2006 (11:15am)

OFFICE OF SECRETARY  
 RULEMAKINGS AND  
 ADJUDICATIONS STAFF

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

Attn: Rulemakings and Adjudications Staff

56

Re: Proposed Rulemaking RIN 3150-AH60 to amend NRC rules regarding the Design Basis Threat (DBT) governing the levels of security around U.S. nuclear reactors.

To the Secretary:

Having reviewed much of the history of comments to the NRC during the last 5 years regarding security (or lack thereof) at/of U.S. nuclear reactors, I am incredulous the NRC seems to have such little concern for public health and safety (my understanding of the mandate to the NRC).

That 32 U.S. reactors (General Electric's BWR's, Mark I and Mark II designs) have their irradiated fuel pools elevated to the roof of the reactor building seems hard enough to believe from a design point of view, but that the NRC has not ordered these extremely vulnerable pools to be re-located to some less obvious and less vulnerable location is totally unacceptable. Prior to 9/11, the NRC itself identified these reactor fuel storage pools as being vulnerable to air attack. In fact, the NRC, in November 2005 dismissed the request for emergency enforcement action against these 32 reactors. I am aware that engineers have highly developed technical capabilities. Before they are licensed to use their expertise, I fervently wish they were required to pass a common sense test, as well.

In regard to the rulemaking under consideration, I have two observations before stating my comments.

Observation # 1: It is a bit difficult to comment on the "adversarial characteristics" against which the DBT is being discussed if the descriptions are classified. I can understand the need for caution in making public certain technical information, if that were to aid the terrorists against which the improved security is being planned. But as a member of the concerned public, I find it really important that the public be given as much information as possible, to allow us to use our common sense and understanding of human nature to help guide our comments.

Observation # 2: If concern about security around U.S. nuclear reactors has been heightened in the wake of the 9-11 attacks, why has the NRC not required that the DBT cover defense against air attack? I thought Congress had directed the NRC to include possible air attacks in future rulemaking concerning protection against potential threats. Here, again, it requires only a little common sense.

Comments:

1. It is UNACCEPTABLE that the DBT under consideration continues to exempt air attacks of reactors or their irradiated fuel pools as one of the kinds of threats against which the public needs to be protected.
2. It is UNACCEPTABLE that the NRC's proposed DBT makes no recommendations for upgrades to existing security requirements for nuclear facilities. The public is constantly being reminded of severe terrorist threats. What could be more catastrophic than an attack on a nuclear power facility, particularly the used fuel storage area which has far more radioactivity concentrated in a centralized location than any other site? Even requiring all storage pools to be re-located far underground, with earth berms surrounding them would be some serious improvement in safety for the public.
3. The public is led to believe that there is more to hide than technical information

Template = SECY-067

SECY-02

when so much of the rule-making takes place behind closed doors. As with other areas of the government (secret energy policies, "national security" regulations, spying on American citizens, etc), the clandestine nature encourages the public to lose trust in the NRC, and believe that corporate pressure is generating the safety rules in already-decided policies that may be offered for public comment, even though the decisions have already been made, and the "public comments" are just window dressing.

4. Finally, the most responsible action the NRC could take would be to stop being influenced by the corporations and their subsidiaries that support them, and to recognize that the public welfare (health, safety and ECONOMIC areas) would benefit greatly if nuclear power were phased out in an orderly fashion, but to be accomplished as soon as possible. And that all radioactive materials be isolated ON SITE, but in protected isolation, for the foreseeable future.

Thank you for this opportunity to comment. These comments are on behalf of our organization, the Women's International League for Peace and Freedom.

Sincerely,

Pat Birnie, Facilitator  
Women's International League for Peace and Freedom, Tucson Branch  
5349 W. Bar X Street  
Tucson, AZ 85713

520-908-9269

birnie@gainusa.com

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**Subject:** Comments: Proposed Rulemaking RIN 3150-AH60  
**Creation Date:** Mon, Jan 23, 2006 3:38 PM  
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TEXT.htm	14336	
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**Options**

**Expiration Date:** None  
**Priority:** Standard  
**Reply Requested:** No  
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**Concealed Subject:** No  
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