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From: Patrick Bosold <bosolds@lisco.com>
To: <secy@nrc.gov>
Date: Sun, Jan 29, 2006 7:07 PM
Subject: Re: Comments on the NRC's Proposed Rule f or its Design Basis Threat (RIN 3150-AH60)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Regarding the NRC's proposed rule for amending its Design Basis Threat (DBT), which is the magnitude of threat that a nuclear facility's security systems must be capable of defeating: The NRC's proposed rule makes virtually no substantive upgrades to existing security requirements for nuclear facilities. The proposed rule is insufficient and unacceptable in the face of the current terrorist environment and the potential consequences of a successful attack on a nuclear site.

In section 651(a) of the Energy Policy Act of 2005, Congress ordered the NRC to consider 12 factors as part of its DBT rulemaking, including the events of September 11, 2001, the potential for attack by large groups, and the potential for air-based threats. Yet, the NRC has failed to consider these critical issues in its proposed rule. In fact, rather than doing the analysis as required by Congress, the NRC asks for comments on "whether or how the 12 factors should be addressed" for the final rule (emphasis added). The NRC is disregarding Congress' legislative intent that these issues be fully considered as part of the DBT revision. Deferring the analysis to the final rule is also a violation of rulemaking law, because such vague generalities make genuine comment impossible.

I strongly support the Committee to Bridge the Gap's Petition for Rulemaking to upgrade reactor security to a level that takes into account the terrorist capabilities demonstrated on 9/11. Nuclear plants should be protected against at least 19 attackers—the same number as were involved on 9/11. The NRC must require explicitly that nuclear power plants be protected against a force including that number of attackers. The NRC must not exempt air attacks from the kinds of threats against which nuclear reactors must be capable of defending. The NRC should require that nuclear reactors be protected by steel I-beams and cabling at specific distances from reactor buildings ("Beamhenge" shields), which would prevent a plane from hitting the reactor or spent fuel pools. Despite receiving over 800 comments in favor of this petition, including from seven state Attorneys General, the NRC continues to defer consideration of the Committee to Bridge the Gap's proposal.

I urge the NRC to withdraw this proposed rule for amending the DBT and to complete a thorough analysis of the 12 factors as required by Congress before reissuing a proposed DBT rule for public comment.

Sincerely,

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Fairfield, IA 52556

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