

DOCKET NUMBER
PROPOSED RULE PR 73
 (70FR 67380)



85

DOCKETED
 USNRC

February 16, 2006 (2:26pm)

STATE OF CALIFORNIA
 OFFICE OF THE ATTORNEY GENERAL
 BILL LOCKYER
 ATTORNEY GENERAL

OFFICE OF SECRETARY
 RULEMAKINGS AND
 ADJUDICATIONS STAFF

RICHARD M. FRANK
 Chief Deputy Attorney General
 Legal Affairs

February 15, 2006

Via Facsimile: (301) 415-1101 & U.S. Mail

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

Attention: Rulemakings and Adjudications Staff

Re: Docket Number RIN 3150-AH60

Dear Sir or Madam:

In January of 2005, the California Attorney General and several other state Attorneys General filed a comment letter supporting the granting by the Nuclear Regulatory Commission (NRC) of a petition to revise the Design Basis Threat (DBT) for nuclear power plants to address the potential in today's world for terrorist attacks on these plants. California remains vitally interested in this issue, since we have nuclear power plants, including the San Onofre Nuclear Generating Station and the Diablo Canyon plant, that are located in areas of considerable population density, and alongside a fragile and irreplaceable coastline.

While we are pleased to see that the NRC proposes to revise the DBT to address more realistic terrorist threats, we believe that the proposal should go further, and address the threat of air-based terrorist attacks of the kind experienced by this nation on September 11, 2001. For this reason, we join the comments and recommendations submitted to the NRC in this docket by Thomas Reilly, Attorney General of the Commonwealth of Massachusetts, dated January 23, 2006.

Secretary
U.S. Nuclear Regulatory Commission
February 15, 2006
Page 2

We look forward to a realistic DBT that adequately protects against all credible terrorist threats in the final regulations.

Sincerely,



RICHARD M. FRANK
Chief Deputy Attorney General
Legal Affairs

cc: Hon. Diane Feinstein
Hon. Barbara Boxer
Hon. Thomas Reilly
Barbara Byron, California Energy Commission
Rochelle Becker

Bill Lockyer
Attorney General

State of California
DEPARTMENT OF JUSTICE



FAX TRANSMISSION COVER SHEET

IMPORTANT/CONFIDENTIAL: This communication is intended only for the use of the individual or entity to which it is addressed. This message contains information from the State of California, Attorney General's Office, which may be privileged, confidential, and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

DATE: February 16, 2006 **TIME:** 9:35 a.m. **NO. OF PAGES:** 3
(INCLUDING COVER SHEET)

TO:
NAME: Secretary
OFFICE: U.S. Nuclear Regulatory Commission
LOCATION: Washington, D.C.
FAX NO: 301-415-1101 **PHONE NO:** _____

FROM:
NAME: Rick Frank
OFFICE: Chief Deputy Attorney General
LOCATION: 1300 I Street, Sacramento
FAX NO: (916) 327-7154 **PHONE NO:** (916) 323-9569

MESSAGE/INSTRUCTIONS

ATTN: Rulemakings and Adjudications Staff

PLEASE DELIVER AS SOON AS POSSIBLE!
FOR ASSISTANCE WITH THIS FAX, PLEASE CALL THE SENDER