

PR 52  
(72FR56287)



New York State  
Office of Homeland Security

DIRECTOR  
F. David Sheppard

13

December 17, 2007

DOCKETED  
USNRC

December 18, 2007 (9:59am)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

ATTN: Rulemaking and Adjudication Staff

RE: RIN 3150-AI19

Dear Ms. Vietti-Cook:

Governor Spitzer has asked me to provide comments to the Nuclear Regulatory Commission (NRC) on the proposal to amend 10 CFR Part 52, which would require applicants for new nuclear power design certification to consider aircraft impact.

The New York State Office of Homeland Security (OHS) supports this proposed rulemaking as a means of enhancing public safety and security.

This proposed rule represents a proactive effort to improve the security of reactors. It would require nuclear power plant designers to consider the possibility of an aircraft impact to a reactor early in the design process, and to specifically consider design improvements in reactor cooling systems, containment integrity and protection of reactor spent fuel storage pools.

Requiring designers to consider incorporating design features that will avoid or mitigate the effects of a deliberate or accidental aircraft impact will reduce the risk of catastrophic consequences under such circumstances.

OHS believes that it is prudent for nuclear power plant licensees to incorporate protective measures and mitigation strategies to address the potential of deliberate or accidental plane crashes into their facilities. To the extent that physical construction and design features can contribute to reducing the risk of catastrophic consequences, we urge the NRC to require their inclusion in nuclear power plant design.

In addition to supporting the rule, OHS also encourages the NRC to consider air-based attack scenarios in all licensing and relicensing applications before the NRC. While they are clearly outside the scope of this rule, such applications also warrant consideration of air-based attack mitigation strategies. The NRC should also consider including dry cask storage areas as part of the assessment of the effects from large, commercial aircraft impacts.

Thank you for your attention to this important issue and for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "David Sheppard".

F. David Sheppard  
Director

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1220 Washington Avenue, State Office Building Campus  
Building 7A  
ALBANY, NY 12226

Template = SECY-067

SECY-02

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**To:** <SECY@nrc.gov>  
**Date:** Mon, Dec 17, 2007 4:23 PM  
**Subject:** RIN 3150-AI19

The comments of F. David Sheppard, Director of the New York State Office of Homeland Security, on RIN 3150-AI19 are attached.

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Michael Fallon, Counsel

NYS Office of Homeland Security

518.457.5878

cell 518.337.3733

mfallon@security.state.ny.us

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