

STATE ATTORNEYS GENERAL

Comments From the Chief Legal Officers of the Following States: Connecticut . Delaware . Illinois . Kentucky . New York . Vermont

November 15, 2007

Dale E. Klein, Chairman
United States Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Commissioner Klein:

We write to express our serious concerns about the refusal of the Nuclear Regulatory Commission (“NRC”) to amend its relicensing regulations to consider siting and safety requirements when deciding whether to renew the operating license of a nuclear power plant beyond its initial forty year term. These siting and safety criteria have significantly changed since many nuclear power plants were first licensed in the 1960s and 1970s. As you are aware, under current regulations, the NRC license renewal procedures address age-related structural degradation of fixed, non-moving components, like the reactor core, containment systems, pipes, and electrical cables, but do not specifically include factors relevant to the avoidance of catastrophe, such as:

- Location of the plant and population density;
- Security and susceptibility to a terrorist attack;
- Adequacy of emergency warning and evacuation plans; and
- Geographic and seismic issues.

The tragedy that befell our nation on September 11, 2001 demonstrated the utter folly of ignoring the impact of national security issues on nuclear plant safety. The release of radioactive material into the air and water after the recent earthquake in Japan – forcing the emergency shutdown of the world’s largest nuclear plant – demonstrates the vulnerability of nuclear plants to natural forces. These facts and the latest National Intelligence Estimate’s finding that terrorist capability has recovered underscore the importance of our request that NRC expand its criteria for relicensing to examine all matters involving nuclear plant safety and risk.

The NRC’s failure to amend its relicensing regulations is inconsistent with the NRC’s own motto of “Protecting People and the Environment.” By forgoing a vital opportunity to evaluate the entirety of threat to public health and safety in a single, unified public relicensing proceeding, NRC remains blind to its mandate from Congress to protect the public from the dangers inherent in nuclear power generation. We encourage the NRC to change course.

Respectfully,



Andrew M. Cuomo
Attorney General New York



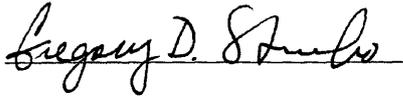
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cc: Commissioner Peter B. Lyons
Commissioner Gregory B. Jaczko