



NUCLEAR ENERGY INSTITUTE

DOCKET NUMBER
PROPOSED RULE # 73
(70 FR 67380)

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DOCKETED
USNRC

December 21, 2005

December 21, 2005 (4:00pm)

Ms. Annette Vietti-Cook
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SUBJECT: RIN 3150-AH60, *Proposed Rule, 10 CFR Part 73, Design Basis,*
(70 FR 67380), Request for Extension of Public Comment Period

The Nuclear Energy Institute¹ (NEI) is requesting a 30-day extension on the comment period for the subject proposed rule. The basis for the request is the fact that two of the rulemaking's supporting documents were only made available December 19.

The Nuclear Regulatory Commission is proposing to amend its regulations that govern the requirements pertaining to design basis threat (DBT). The specific details related to the threat, which contain both safeguards information and classified information, are contained in Regulatory Guides (RGs) and the Adversary Characteristics Document (ACDs). These documents provide guidance to licensees concerning the DBT for radiological sabotage, theft, and diversion. They contain the specific details of the attributes of the threat which licensees need to know in order to evaluate what is necessary to comply with the proposed rule.

The proposed rule was published in the *Federal Register* on November 7, 2005 (Volume 70, Number 214) but the RGs and the ACDs were not available at that time. NEI and the Nuclear Security Working Group requested copies of the documents; and the NRC Staff agreed to provide them to the properly cleared individuals with a need-to-know. On December 19, 2005, NEI received the draft RG and the ACD for power reactors.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plants designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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The comment period expires on January 23, 2006, and given the occurrence of a major holiday period and the fact that we just received two of the supporting documents we are requesting a 30 day extension of the comment period.

NEI and the industry need sufficient time to review and analyze the draft RGs and ACDs that will contain the important details of the proposed rule

We appreciate your consideration of this request. If you have any questions or require additional information, please contact me at 202-739-8093 or Jack Roe at 202-739-8138.

Sincerely,



Douglas J. Walters

c: Glenn Tracy

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Date: 12/21/05 11:41AM
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