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**SOUTHERN
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(71FR64003)**

January 2, 2007

Docket Nos.: 50-321 50-348 50-424
50-366 50-364 50-425

NL-07-0010

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U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D. C. 20555-0001

Joseph M. Farley Nuclear Plant
Edwin I. Hatch Nuclear Plant
Vogtle Electric Generating Plant

Comments on Proposed Rule – Protection of Safeguards Information

Ladies and Gentlemen:

The NRC published a proposed rule in the Federal Register (71FR64004), dated October 31, 2006, which would modify the requirements for control and protection of safeguards information (SGI). By letter dated January 2, 2007, the Nuclear Energy Institute (NEI) provided comments on the proposed changes to the regulations associated with control and protection of SGI. Southern Nuclear Operating Company (SNC) fully endorses NEI's comments on the proposed changes.

In addition, SNC respectfully submits the following additional comments.

1. The proposed paragraphs 73.22(h) and 73.23(h) include a requirement for a mandatory 10 year review of all documents marked as SGI or SGI-M for a decontrol determination. SNC concurs with the NEI comments concerning this requirement and add that this has no rational or safety basis. In fact such a requirement would consume both industry and NRC resources in a review that does not result in a commensurate increase in public health and safety. Licensees currently review SGI/SGI-M documents as they are being used for the potential to decontrol these documents. This process has been proven to allow licensees to make the appropriate determinations and decontrol that information that no longer meets the criteria for SGI/SGI-M. Accordingly, this requirement should be removed from the proposed rule.
2. The proposed paragraphs 73.22(h) and 73.23(h) also state, "The authority to determine that a document may be decontrolled shall be exercised only by the NRC or with NRC approval, or if possible, in consultation with the individual or organization that made the original determination." This would put the NRC into the approval process for decontrol of documents originated and marked by other organizations. The industry has been making determinations for control of SGI for many years including determinations to decontrol documents when the information no longer meets the criteria for SGI. It is accepted that if the NRC

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determines a document is SGI then they should be the only one who can make the decontrol determination. However, it is very impractical to have the NRC approve the decontrol of other documents generated by other organizations. Also, it is not feasible to have the original individual within an organization be the only one to make a decontrol determination. The industry has procedures and processes in place to make the appropriate determinations with key individuals designated decontrol authority. Any of the key individuals should have the authority to make a determination on the document if it was originated within that organization.

Accordingly, the rule should be revised in both locations to state, "The authority to determine that a document may be decontrolled shall be exercised by the NRC, by the individual or organization that made the original determination, or by another individual within the original organization authorized to make safeguards determinations."

Please advise if you need additional information.

Sincerely,



Jeffrey T. Gasser

JTG/JGS/daj

cc: Southern Nuclear Operating Company
Mr. H. L. Sumner, Jr., Vice President – Plant Farley
Mr. L. M. Stinson, Vice President – Plant Hatch
Mr. D. E. Grissette, Vice President – Plant Vogtle
Mr. J. R. Johnson, General Manager – Plant Farley
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Mr. T. E. Tynan, General Manager – Plant Vogtle
RType: CFA04.054; CHA02.004; CVC7000; LC# 14515

U. S. Nuclear Regulatory Commission
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REMARKS: ☐ Urgent ☐ For Your Review ☐ Reply ASAP ☐ Please Comment

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