



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 22, 2007

DOCKETED  
USNRC

February 27, 2007 (10:34am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SECRETARY

Mr. Charlie Donaldson  
Assistant Attorney General  
State of New York  
Office of the Attorney General  
120 Broadway, 26<sup>th</sup> Floor  
New York, New York 10271

**PR 50, 72, and 73  
(71FR62663)**

Dear Mr. Donaldson:

I am responding to your request of February 16, 2007, that the U.S. Nuclear Regulatory Commission (NRC) extend the public comment period for the proposed power reactor security requirements rulemaking (RIN 3150-AG63) to an appropriate date following a public meeting on the proposed regulations. After careful consideration of your request, the NRC is reopening the public comment period on this rulemaking for 30 days to March 26, 2007. Furthermore, to enhance public participation, the NRC is rescheduling the public meeting on this rulemaking for March 9, 2007.

In support of your request, you note that the public meeting scheduled to occur on February 14, 2007, was postponed due to inclement weather and that this public meeting was intended to provide information to the public to help inform their comments on the proposed rulemaking. Additionally, you note that the NRC granted a previous extension of the comment period for this rulemaking based on a similar industry request.

On October 26, 2006 (71 FR 62664), the NRC published for public comment a proposed rule that would amend its current security regulations and would add new security requirements pertaining to nuclear power reactors. Additionally, this rulemaking includes new proposed security requirements for Category I strategic special nuclear material facilities for access to enhanced weapons and firearms background checks. A 75-day comment period was provided for the proposed rule that expired on January 9, 2007. The comment period for the information collection aspects of the proposed rule expired on November 27, 2006. The comment period for this rulemaking was extended on January 5, 2007 (72 FR 480) to close on February 23, 2007. In the same notice, the comment period for the information collection aspects of the rulemaking was extended to January 11, 2007.

Consistent with the NRC's desire to receive informed comments from external stakeholders on this proposed rulemaking, and recognizing that a public meeting prior to the end of the comment period would support that objective, the comment period for the proposed rulemaking will be reopened for an additional 30 days and will now expire on March 26, 2007. The comment period for the information collection analysis will also be extended to close on this same date. This grant of your request recognizes that the power reactor security requirements impact new reactor applications, and it is the NRC's objective to not adversely impact new reactor applications which the NRC expects to be submitted in late 2007. This grant also

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SECY-02

recognizes that the NRC has previously extended the public comment by 45 days, and this additional 30-day extension (which now results in a comment period totaling 150 days) is judged to be reasonable in light of this previous action. A notice of this reopening of the comment period will also be published in the *Federal Register* (enclosed).

If you have any questions regarding this matter, please contact Mr. Timothy Reed of the NRC at 301-415-1462.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Annette L. Vietti-Cook

Enclosure:

*Federal Register* Notice:

Power Reactor Security Requirements;  
Reopening of Public Comment Period