

PRM-50-83
(72FR14713)



NUCLEAR ENERGY INSTITUTE

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Douglas J. Walters
SENIOR DIRECTOR
SECURITY
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June 12, 2007

DOCKETED
USNRC

Ms. Annette L. Vietti-Cook
Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

June 12, 2007 (12:34pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: PRM-50-83, Comments on the Petition for Rulemaking Submitted by the Project on Government Oversight and Union of Concerned Scientists (*72 Fed. Reg. 14713*)

Project Number: 689

The Nuclear Energy Institute (NEI)¹ provides the following comments on the petition for rulemaking on 10 CFR Part 50, submitted by the Project on Government Oversight and Union of Concerned Scientists.

The petitioners argue that the defense of a nuclear power plant against a threat greater than the design basis threat (DBT) would depend on the supplementation by local, state, and federal entities. We fully agree with this assertion. The petitioners further argue that 10 CFR 50 be amended in a way similar to current Appendix E to require periodic exercises involving licensees and applicable local, state, and federal entities to demonstrate their capabilities to protect from radiological sabotage greater than the DBT level. Since the Department of Homeland Security (DHS), through Homeland Security Presidential Directive (HSPD)-7, "*Critical Infrastructure Identification, Prioritization, and Protection*" and HSPD-8, "*National Preparedness*", is responsible for the oversight and coordination of local, state, and federal entities for all terrorist threats including those above the DBT, an amendment to 10 CFR 50 is not appropriate.

In addition, the NRC already acknowledged in the publication of 10 CFR Part 73 (*72 Fed. Reg. 12705*) on March 19, 2007 that the NRC and DHS have and are working together to develop and

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.

Ms. Annette L. Vietti-Cook

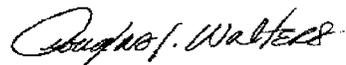
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improve emergency preparedness for a terrorist attack through federal initiatives such as comprehensive review programs and integrated response planning efforts. Since these actions are already underway, there is no need to initiate new, redundant actions to address this issue.

For the foregoing reasons, the subject petition for rulemaking should be denied.

Sincerely,

A handwritten signature in cursive script that reads "Douglas J. Walters".

Douglas J. Walters

From: "WALTERS, Doug" <djw@nei.org>
Date: Tue, Jun 12, 2007 11:06 AM
Subject: PRM-50-83, Comments on the Petition for Rulemaking Submitted by the Project on Government Oversight and Union of Concerned Scientists (72 Fed. Reg. 14713)

June 12, 2007

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Douglas J. Walters

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Created By: djw@nei.org

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