NUCLEAR ENERGY INSTITUTE



Douglas J. Walters Senior Director Security Nuclear Generation Division

June 25, 2007 (9:13am)

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OFFICE OF SECRETARY RULEMAKINGS AND ADJUDICATIONS STAFF

June 22, 2007

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

Subject: PRM-73-13, Comments on the Petition for Rulemaking Submitted by the Union of Concerned Scientists *(72 Fed. Reg. 17440)*

Project Number: 689

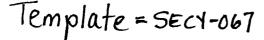
The Nuclear Energy Institute (NEI)¹ provides the following comments on the petition for rulemaking on 10 CFR Part 73, submitted by the Union of Concerned Scientists.

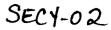
The petitioner requests that 10 CFR Part 73 be amended to require that licensees implement procedures to ensure that:

(1) When information becomes known to a licensee about an individual that would prevent that individual from gaining unescorted access to the protected area of a nuclear power plant, the licensee will implement measures to ensure the individual does not enter the protected area, whether escorted or not; 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.

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Ms. Annette L. Vietti-Cook June 22, 2007 Page 2

> (2) When sufficient information is not available to a licensee about an individual to determine whether the criteria for unescorted access are satisfied, the licensee will implement measures to allow that individual to enter the protected area only when escorted at all times by an armed member of the security force who remains in periodic communication with security supervision.

The industry concurs with the petitioner's first request and, accordingly, agrees that the Commission should issue a notice of proposed rulemaking to appropriately modify the NRC regulations.

The industry does not agree with the petitioner's second request. The industry has used trained individuals, rather than armed security officers, as visitor escorts for many years without incident. Entry into the site protected area requires passage through search equipment designed to detect the presence of weapons. In the last several years with the increased emphasis on security, only persons with a work-related need for entry (e.g. government officials and contractors working on specific equipment) are typically allowed access as visitors. The escorts for these visitors are trained and badged individuals that are selected, as appropriate, for the purpose of the visit.

The petitioner has not demonstrated a benefit commensurate with the cost of increasing the size of licensee security forces to provide armed security officers as escorts. Nor has the petitioner cited a single instance demonstrating the inadequacy of the current process. Mere allegations of possibilities are not an adequate basis for regulatory action. This request should be denied.

Sincerely,

Congro 1. Walters

Douglas J. Walters

From:"WALTERS, Doug" <djw@nei.org>Date:Fri, Jun 22, 2007 3:02 PMSubject:PRM-73-13, Comments on the Petition for Rulemaking Submitted by the Union of
Concerned Scientists (72 Fed. Reg. 17440)

June 22, 2007

Ms. Annette L. Vietti-Cook

Secretary

Rulemakings and Adjudications Staff

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Douglas J. Walters

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Mail Envelope Properties (467C1CC1.47E : 6 : 1150) PRM-73-13, Comments on the Petition for Rulemaking Submitted by the Subject: Union of Concerned Scientists (72 Fed. Reg. 17440) Fri, Jun 22, 2007 3:05 PM **Creation Date** "WALTERS, Doug" <djw@nei.org> From: **Created By:** djw@nei.org **Recipients** Date & Time Files Size Friday, June 22, 2007 3:05 PM **MESSAGE** 3447 TEXT.htm 14334 06-22-07_NRC_PRM-73-13, Comments on the Petition for Rulemaking, 72 Fed. Reg. 17440.pdf 59496 Mime.822 103474 **Options Expiration Date:** None **Priority:** Standard **ReplyRequested:** No **Return Notification:** None **Concealed Subject:** No Security: Standard Junk Mail Handling Evaluation Results Message is eligible for Junk Mail handling This message was not classified as Junk Mail Junk Mail settings when this message was delivered Junk Mail handling disabled by User Junk Mail handling disabled by Administrator Junk List is not enabled Junk Mail using personal address books is not enabled Block List is not enabled