NEI

NUCLEAR ENERGY INSTITUTE

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September 5, 2007

Chief, Rulemaking, Directives, and Editing Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures *(72 Fed. Reg. 43,569)*

Project Number: 689

The Nuclear Energy Institute (NEI)[1] hereby provides comments on the Nuclear Regulatory Commission's (NRC's) proposed procedures for gaining access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI). Notice of the opportunity to comment on the procedures was published August 6, 2007, in the Federal Register.

First, the procedures should be promulgated so as to be legally binding. This could be done, for example, through rulemaking. Whatever the method, however, the procedures should impose legal obligations on those to whom they apply.

Second, in any proceeding, the relevant applicant/licensee should be afforded an opportunity to furnish input concerning the propriety of providing access to SUNSI and/or SGI to a potential party. Similarly, both the applicant/licensee and NRC staff should be provided an opportunity to participate in any challenge to an adverse determination, as is specifically contemplated in proposed regulations governing appeals to the Commission. (See *72 Fed. Reg. 32,018, 32,021, subsection 2.311(b).*) Accordingly, the procedures should be modified to specifically so provide.

Finally, the procedures do not mention any requirement for a potential party to demonstrate knowledge of the requirements for protecting SUNSI and/or SGI. The procedures should specify that a potential party must demonstrate such knowledge and commit to satisfying applicable requirements.

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[1] NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including 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 plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Template = SEC1-067

SEC1-02

NEI appreciates the opportunity to comment on the proposed procedures. Please contact me at (202) 739-8093; djw@nei.org if you have any questions or desire additional information.

Sincerely,

Douglas J. Walters

c: NRC Document Control Desk

From: "WALTERS, Doug" <djw@nei.org>
Date: Wed, Sep 5, 2007 4:13 PM
Subject: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)

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nuclear. clean air energy.

party any transaction or matter addressed herein.

From: NRCREP
To: Evangeline Ngbea
Date: 09/06/2007 12:18:40 PM
Subject: Fwd: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)

FYI

Mail Envelope Properties   (46DF0DE8.EEA : 0 : 28394)

Subject: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg.
43,569)
Creation Date   09/05/2007 4:13:02 PM
From: "WALTERS, Doug" <djw@nei.org>

Created By: djw@nei.org

Recipients

Files	Size	Date & Time
MESSAGE	3247	09/05/2007 4:13:02 PM
TEXT.htm	11796	
09-05-07_NRC_RIN 3150-AI08, Proposed SUNSI-SGI Access Procedures.pdf	47569	
Mime.822	84190	

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

Mail Envelope Properties   (46E0285C.919 : 19 : 4586)

Subject: Fwd: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed.
Reg. 43,569)
Creation Date   09/06/2007 12:18:36 PM
From: NRCREP

Created By: NRCREP@nrc.gov

Recipients
nrc.gov
  TWGWPO01.HQGWDO01
    ESN (Evangeline Ngbea)

Post Office   **Route**
TWGWPO01.HQGWDO01   nrc.gov

Files   **Size**   **Date & Time**
MESSAGE   319   09/06/2007 12:18:36 PM
TEXT.htm   218
Mail

Options
Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results
Message is not eligible for Junk Mail handling
Message is from an internal sender

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