

June 13, 2008

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Eric J. Leeds, Director */RA/*  
Office of Nuclear Reactor Regulations

SUBJECT: RESOLUTION AND CLOSURE OF PETITION FROM DAVID  
LOCHBAUM, UNION OF CONCERNED SCIENTISTS

Your approval and signature are requested on the letter to the petitioner (Enclosure 1) and the related *Federal Register* notice (Enclosure 2). The Notice of Petition Resolution and closure Signed by EDO is also provided (Enclosure 3).

The Commission received a petition from David Lochbaum, on behalf of the Union of Concerned Scientists, dated February 21, 2007. This petition for rulemaking (PRM) was assigned the docket number PRM-73-13. The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations to require the following:

1. Licensees must implement procedures to ensure that 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.
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 notice of receipt of the petition was published in the *Federal Register* on April 9, 2007 (72 FR 17440). The comment period closed on June 25, 2007. Twelve comment letters were received.

The NRC has determined that the issues raised in PRM 73-13 are appropriate for consideration, and in fact the issues are already being considered in the ongoing "Power Reactors Security Requirements" rulemaking. The NRC staff will address the comments filed in PRM-73-13 as part of the "Power Reactor Security Requirements" rulemaking. The proposed rule was published in the *Federal Register* on October 26, 2006 (71 FR 62664). That rulemaking proposed extensive revisions to the NRC regulations in 10 CFR Parts 50, 72, and 73 that address security requirements for nuclear power reactor licensees which cover the topics of PRM 73-13. The comment period on that proposed rule expired on March 26, 2007.

CONTACT : Lauren Quiñones, NRR/DPR  
(301) 415- 2007

R. W. Borchardt

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As indicated above, the staff has concluded its evaluation of PRM-73-13 and included it for consideration as part of the proposed rule "Power Reactor Security Requirements." Therefore, PRM-73-13 is considered resolved and closed.

Enclosures:

As stated



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Enclosures:  
As stated

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\*concurred via e-mail

OFFICE	NRR/DPR/PRAB:PM	Tech Editor	NRR/DPR/PRAB: BC	NRR/DPR: D	NRR
NAME	LQuinones	Hchang*	JZimmerman	Mcase (TQuay for)	ELeeds
DATE	6/10/08	5/15/08	6/10/08	5/19/08	6/13/08

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