

July 1, 2008

David A. Lochbaum
Union of Concerned Scientists
1825 K Street, Suite 800
Washington, D.C. 20006-1232

Dear Mr. Lochbaum:

I am responding to the petition for rulemaking dated February 21, 2007, that you submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of the Union of Concerned Scientists. The petition was docketed as PRM-73-13 and requested that the NRC amend its regulations at Title 10 of the *Code of Federal Regulations* Part 73 to require that licensees 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; and, 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* (FR) 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. This rulemaking proposes extensive revisions to the NRC regulations in 10 CFR Parts 50, 72, and 73 that address security requirements for nuclear power reactor licensees including provisions that address both escort and protected area (PA) access requirements.

The enclosed FR notice regarding PRM-73-13 is being transmitted to the Office of the Federal Register for publication. As indicated above, the NRC 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.

R.W. Borchardt

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You can monitor further NRC action on the issues raised by the petition on the “Power Reactors Security Requirements,” rulemaking at the federal rulemaking portal, <http://www.Regulations.gov>, by searching on rulemaking docket ID: NRC-2006-0016 and docket ID: NRC-2008-0019. The NRC also tracks all rulemaking actions in the “NRC Regulatory Agenda: Semiannual Report (NUREG-0936).”

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

Enclosure: *Federal Register* Notice

R.W. Borchardt

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Executive Director
for Operations

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*concurring via Memo NRR-106

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DATE	6/4/08	6/7/08		5/9/08	5/12/08
OFFICE	OGC/GCLR/RFC	NRR/DPR	NRR		EDO
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DATE	5/9/08	5/19/08	6/13/08		07/01/08

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