



Chris Earls
DIRECTOR, SECURITY
NUCLEAR GENERATION DIVISION

May 3, 2011

Mr. Richard P. Correia
Office of Nuclear Security and Incident Response
Division of Security Policy
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for a 90-day Extension to the Comment Period for the Draft Regulatory Guide 5033 entitled "Security Performance (Adversary) Characteristics for Physical Security Programs for 10 CFR Part 72 Licensees (U)" (Letter to Industry dated March 25, 2011: *Issuance of Draft Regulatory Guide (DG)-5033 for Comment*)

Project Code: 689

Dear Mr. Correia:

I'm writing in reference to the subject letter issued for industry comment; Draft Regulatory Guide (DG) 5033 on Adversary Characteristics for Independent Spent Fuel Storage Installations (ISFSI) at Nuclear Reactors Sites. Comments on the DG are being requested by June 25, 2011. The purpose of this letter is to request a 90-day extension to this comment period, which would result in a due date of September 22, 2011.

The objective of this regulatory action is to issue guidance that will permit ISFSI and MRS licensees to implement the applicable security requirements of 10 CFR Part 73 in order to provide high assurance that activities involving the possession of SNF and HLW are not inimical to the common defense and security and do not constitute an unreasonable risk to public health and safety.

Mr. Richard P. Correia
May 3, 2011
Page 2

This guide contains detailed performance characteristics that describe the explosives, weaponry, tactics, techniques, and procedures that individuals and groups with malevolent intent could reasonably be expected to employ in an assault against an ISFSI or MRS. Therefore, issuance of this regulatory guidance is necessary to provide ISFSI and MRS licensees with the necessary technical content on security performance characteristics needed to design, develop, and implement physical protection systems for such facilities under the NRC's regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials."

NEI is coordinating industry comments on this DG to ensure that the comments are of high quality and that they reflect a consensus industry perspective. However, the comment due date of June 25, 2011, which was provided in the letter to industry on March 25, 2011 is insufficient, given the complexity of the topic. Additionally, as was stated at the NRC ISFSI Security Briefing on May 2, 2011 in Rockville, MD, the staff intends on providing a Classified Level Briefing in the September timeframe to qualified industry personnel with a need-to-know. It is imperative for the industry to consider this information prior to its submittal of comments on the DG. Extending the comment period would provide the time necessary for the industry to more fully assess this additional information, as well as the content of the draft guide and arrive at a set of comments that are of value to the NRC staff.

We appreciate your consideration of this request and respectfully request timely feedback. If you have questions or require additional information, please contact me at (202) 739-8078; cee@nei.org or Jerud Hanson at (202) 739-8053; jeh@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Earls", with a stylized flourish at the end.

Christopher E. Earls

c: Mr. Philip G. Brochman, NRC
NRC Document Control Desk