

**STARS**

*Strategic Teaming and Resource Sharing*

105

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**(70 FR 67380)**

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Ref: RIN 3150-AH60  
70 FR 67380

STARS-06002

February 20, 2006

Secretary,  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)  
COMMENTS ON PROPOSED RULE PERTAINING TO  
DESIGN BASIS THREAT (DBT)  
(RIN 3150-AH60, 70 FR 67380)**

Gentlemen:

Attached are comments from the Strategic Teaming and Resource Sharing (STARS)<sup>1</sup> nuclear power plants on the proposed rule pertaining to design basis threat (DBT) published in the Federal Register November 7, 2005 (70 FR 67380). The STARS plants have worked with the Nuclear Energy Institute (NEI) in reviewing this proposed rulemaking and support the comments submitted by the NEI. The STARS plants are particularly concerned about the adversary characteristics documents (ACDs). The Federal Register Notice includes the following:

After carefully balancing these competing interests, the NRC arrived at the level of detail regarding the attributes of the DBT presented in the proposed rule. More specific details (e.g., specific weapons, ammunition, etc.) are consolidated in ACDs, which contain classified or safeguards information. The technical bases for the ACDs are derived largely from intelligence information, and also contain classified and safeguards information that cannot be publicly disclosed. These documents must be withheld from public disclosure and made available only on a need-to-know basis to those who otherwise qualify for access.

<sup>1</sup> STARS is an alliance of six plants (eleven nuclear units) operated by TXU Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

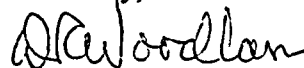
The ACDs may be updated from time to time as a result of the NRC's periodic threat reviews, which NRC has been conducting since 1979. Those threat assessments are performed in conjunction with the intelligence and law enforcement communities to identify changes in the threat environment which may in turn require adjustment of NRC security requirements. Future revisions to the ACDs would not require changes to the DBT regulations in § 73.1, provided the changes remain within the scope of the rule text.

The NRC consulted with Federal, State, and local agencies, and with industry stakeholders in developing the updated DBTs. This consultation involved analysis of intelligence information regarding the trends and capabilities of potential adversaries, and discussion with Federal, law enforcement, and intelligence community agencies....

The STARS plants understand the concept and discussion that explains why ACDs are required and why they should not be published for access by the public; however, the STARS plants believe the ACDs should be part of the rule and controlled by the rulemaking process. One option is to incorporate the ACDs into the rule by reference. This approach would be consistent with the way the NRC has "incorporated by reference" other items such as codes, standard, or regulatory guides. In addition, using the rulemaking process to modify the ACDs would assure industry stakeholder and federal agency (e.g., Department of Homeland Security) participation as proposed in the federal register notice for the proposed rule.

The STARS plants appreciate the opportunity to comment on this proposed rule. If there are any questions regarding these comments, please contact me at 254-897-6887 or [dwoodl1@txu.com](mailto:dwoodl1@txu.com).

Sincerely,



D. R. Woodlan, Chairman  
Integrated Regulatory Affairs Group  
STARS