

PRM-50-83  
(72FR14713)



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Douglas J. Walters  
SENIOR DIRECTOR  
SECURITY  
NUCLEAR GENERATION DIVISION

June 12, 2007

DOCKETED  
USNRC

Ms. Annette L. Vietti-Cook  
Secretary  
Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

June 12, 2007 (12:34pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Subject:** PRM-50-83, Comments on the Petition for Rulemaking Submitted by the Project on Government Oversight and Union of Concerned Scientists (*72 Fed. Reg. 14713*)

**Project Number: 689**

The Nuclear Energy Institute (NEI)<sup>1</sup> provides the following comments on the petition for rulemaking on 10 CFR Part 50, submitted by the Project on Government Oversight and Union of Concerned Scientists.

The petitioners argue that the defense of a nuclear power plant against a threat greater than the design basis threat (DBT) would depend on the supplementation by local, state, and federal entities. We fully agree with this assertion. The petitioners further argue that 10 CFR 50 be amended in a way similar to current Appendix E to require periodic exercises involving licensees and applicable local, state, and federal entities to demonstrate their capabilities to protect from radiological sabotage greater than the DBT level. Since the Department of Homeland Security (DHS), through Homeland Security Presidential Directive (HSPD)-7, "*Critical Infrastructure Identification, Prioritization, and Protection*" and HSPD-8, "*National Preparedness*", is responsible for the oversight and coordination of local, state, and federal entities for all terrorist threats including those above the DBT, an amendment to 10 CFR 50 is not appropriate.

In addition, the NRC already acknowledged in the publication of 10 CFR Part 73 (*72 Fed. Reg. 12705*) on March 19, 2007 that the NRC and DHS have and are working together to develop and

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

Ms. Annette L. Vietti-Cook

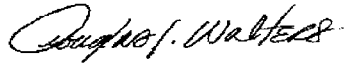
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improve emergency preparedness for a terrorist attack through federal initiatives such as comprehensive review programs and integrated response planning efforts. Since these actions are already underway, there is no need to initiate new, redundant actions to address this issue.

For the foregoing reasons, the subject petition for rulemaking should be denied.

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Walters". The signature is written in a cursive, flowing style.

Douglas J. Walters

**From:** "WALTERS, Doug" <djw@nei.org>  
**Date:** Tue, Jun 12, 2007 11:06 AM  
**Subject:** PRM-50-83, Comments on the Petition for Rulemaking Submitted by the Project on Government Oversight and Union of Concerned Scientists (72 Fed. Reg. 14713)

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Ms. Annette L. Vietti-Cook

Secretary

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Douglas J. Walters

Senior Director, Security

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**Created By:** [djw@nei.org](mailto:djw@nei.org)

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