



NUCLEAR ENERGY INSTITUTE



Douglas J. Walters  
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June 22, 2007

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June 25, 2007 (9:13am)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Subject:** PRM-73-13, Comments on the Petition for Rulemaking Submitted by the Union of Concerned Scientists (72 Fed. Reg. 17440)

**Project Number: 689**

The Nuclear Energy Institute (NEI)<sup>1</sup> provides the following comments on the petition for rulemaking on 10 CFR Part 73, submitted by the Union of Concerned Scientists.

The petitioner requests that 10 CFR Part 73 be amended to require that licensees implement procedures to ensure that:

- (1) 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

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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.

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- (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 industry concurs with the petitioner's first request and, accordingly, agrees that the Commission should issue a notice of proposed rulemaking to appropriately modify the NRC regulations.

The industry does not agree with the petitioner's second request. The industry has used trained individuals, rather than armed security officers, as visitor escorts for many years without incident. Entry into the site protected area requires passage through search equipment designed to detect the presence of weapons. In the last several years with the increased emphasis on security, only persons with a work-related need for entry (e.g. government officials and contractors working on specific equipment) are typically allowed access as visitors. The escorts for these visitors are trained and badged individuals that are selected, as appropriate, for the purpose of the visit.

The petitioner has not demonstrated a benefit commensurate with the cost of increasing the size of licensee security forces to provide armed security officers as escorts. Nor has the petitioner cited a single instance demonstrating the inadequacy of the current process. Mere allegations of possibilities are not an adequate basis for regulatory action. This request should be denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Douglas J. Walters".

Douglas J. Walters

**From:** "WALTERS, Doug" <djw@nei.org>  
**Date:** Fri, Jun 22, 2007 3:02 PM  
**Subject:** PRM-73-13, Comments on the Petition for Rulemaking Submitted by the Union of Concerned Scientists (72 Fed. Reg. 17440)

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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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