



NUCLEAR ENERGY INSTITUTE

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Douglas J. Walters  
SENIOR DIRECTOR  
SECURITY  
NUCLEAR GENERATION DIVISION

September 5, 2007

Chief, Rulemaking, Directives, and Editing Branch  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)

**Project Number: 689**

The Nuclear Energy Institute (NEI)<sup>1</sup> hereby provides comments on the Nuclear Regulatory Commission's (NRC's) proposed procedures for gaining access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI). Notice of the opportunity to comment on the procedures was published August 6, 2007, in the Federal Register.

First, the procedures should be promulgated so as to be legally binding. This could be done, for example, through rulemaking. Whatever the method, however, the procedures should impose legal obligations on those to whom they apply.

Second, in any proceeding, the relevant applicant/licensee should be afforded an opportunity to furnish input concerning the propriety of providing access to SUNSI and/or SGI to a potential party. Similarly, both the applicant/licensee and NRC staff should be provided an opportunity to participate in any challenge to an adverse determination, as is specifically contemplated in proposed regulations governing appeals to the Commission. (See 72 Fed. Reg. 32,018, 32,021, subsection 2.311(b).) Accordingly, the procedures should be modified to specifically so provide.

Finally, the procedures do not mention any requirement for a potential party to demonstrate knowledge of the requirements for protecting SUNSI and/or SGI. The procedures should specify that a potential party must demonstrate such knowledge and commit to satisfying applicable requirements.

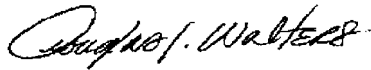
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<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Chief, Rulemaking, Directives, and Editing Branch  
September 5, 2007  
Page 2

NEI appreciates the opportunity to comment on the proposed procedures. Please contact me at (202) 739-8093; [djw@nei.org](mailto:djw@nei.org) if you have any questions or desire additional information.

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Walters". The signature is written in a cursive style with a large, stylized 'D' and 'W'.

Douglas J. Walters

c: NRC Document Control Desk

**From:** "WALTERS, Doug" <djw@nei.org>  
**Date:** Wed, Sep 5, 2007 4:13 PM  
**Subject:** RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)

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Douglas J. Walters

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**From:** NRCREP  
**To:** Evangeline Ngbea  
**Date:** 09/06/2007 12:18:40 PM  
**Subject:** Fwd: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)

FYI

**Mail Envelope Properties** (46DF0DE8.EEA : 0 : 28394)

**Subject:** RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)  
**Creation Date** 09/05/2007 4:13:02 PM  
**From:** "WALTERS, Doug" <djwt@nei.org>  
**Created By:** djwt@nei.org

**Recipients**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	3247	09/05/2007 4:13:02 PM
TEXT.htm	11796	
09-05-07_NRC_RIN 3150-AI08, Proposed SUNSI-SGI Access Procedures.pdf	47569	
Mime.822	84190	

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**ReplyRequested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling  
This message was not classified as Junk Mail

**Junk Mail settings when this message was delivered**

Junk Mail handling disabled by User  
Junk Mail handling disabled by Administrator  
Junk List is not enabled  
Junk Mail using personal address books is not enabled  
Block List is not enabled

**Mail Envelope Properties** (46E0285C.919 : 19 : 4586)

**Subject:** Fwd: RIN 3150-AI08, Proposed SUNSI/SGI Access Procedures (72 Fed. Reg. 43,569)  
**Creation Date** 09/06/2007 12:18:36 PM  
**From:** NRCREP  
**Created By:** NRCREP@nrc.gov

**Recipients**

nrc.gov

TWGWPO01.HQGWDO01

ESN (Evangeline Ngbea)

**Post Office**

TWGWPO01.HQGWDO01

**Route**

nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	319	09/06/2007 12:18:36 PM
TEXT.htm	218	
Mail		

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**ReplyRequested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

**Junk Mail Handling Evaluation Results**

Message is not eligible for Junk Mail handling  
Message is from an internal sender

**Junk Mail settings when this message was delivered**

Junk Mail handling disabled by User  
Junk Mail handling disabled by Administrator  
Junk List is not enabled  
Junk Mail using personal address books is not enabled  
Block List is not enabled