

Rulemaking Comments

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**From:** tahenderson@firstenergycorp.com  
**Sent:** Monday, October 20, 2008 2:50 PM  
**To:** Rulemaking Comments  
**Cc:** foxm@firstenergycorp.com; ghalnon@firstenergycorp.com; rvrose@firstenergycorp.com  
**Subject:** RIN 3150-AI31: Comments on Proposed Rule: Criminal Penalties; Unauthorized Introduction of Weapons (10 CFR Part 73)

RIN 3150-AI31: Comments on Proposed Rule: Criminal Penalties; Unauthorized Introduction of Weapons (10 CFR Part 73)

In response to 73 FR 51378, FirstEnergy Nuclear Operating Company (FENOC) has reviewed the proposed rule and appreciates the opportunity to provide comments.

1. FENOC supports the comments provided by the Nuclear Energy Institute (NEI) regarding this proposed rule.

2. As an example of the needed clarity and effectiveness of the rule language discussed in the comments provided by NEI, the discussion contained in the Federal Register notice indicated it would not be a Federal crime under the proposed regulation "to merely stand beyond the area where the sign is posted with an unauthorized weapon or explosive."

The discussion goes on to indicate that a violation would occur if an attack took place. These statements appear in conflict with the wording of the proposed rule, which states that: "Any individual who, without authorization, willfully carries, transports, or otherwise introduces or causes to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property into or upon any of the following facilities or installations licensed or certified by the NRC shall be subject to the criminal penalties set forth in section 229 of the Act: ..." This is further clarified in the proposed rule with the following statement:

"Introduce" means to transport or discharge a weapon, explosive or other dangerous instrument past the notice posted pursuant to § 73.75." This text indicates that if an unauthorized weapon or explosive is beyond a sign (i.e., introduced), a violation must have occurred. Either the explanation should be clarified to conform with the proposed regulatory requirement, or the proposed rule should be modified to more clearly state the intended purpose of the requirement.

Should you have any questions or comments, please contact:

Michael A. Fox  
FENOC - Fleet Security Program Manager  
Office (330) 384-4770

or

Gregory H. Halnon  
FENOC Director, Fleet Regulatory Affairs Office (330) 384-5638

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USNRC

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OFFICE OF SECRETARY  
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Subject: RIN 3150-AI31: Comments on Proposed Rule: Criminal Penalties; Unauthorized  
Introduction of Weapons (10 CFR Part 73)

To: rulemaking.comments@nrc.gov

CC: foxm@firstenergycorp.com,  
ghalnon@firstenergycorp.com,  
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X-Mailer: Lotus Notes Release 6.5.4 CCH6 March 06, 2006

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