PR 73
(76FR06200)

NEI

NUCLEAR ENERGY INSTITUTE

DOCKETED
USNRC

February 16, 2011 (2:45 pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Christopher E. Earls
DIRECTOR, SECURITY
NUCLEAR GENERATION DIVISION

February 15, 2011

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Request for a 90-day Extension to the Comment Period for the Proposed Rule on Enhanced Weapons, Firearms Background Checks and Security Event Notifications (*Federal Register 76 FR 6200, 76 FR 6085, 76 FR 6086 and 76 FR 6087*) – Docket ID NRC-2011-0018

Project Number: 689

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)[1] requests extension of the comment period on the subject *Federal Register Notice*, a proposed ruling on Enhanced Weapons, Firearms Background Checks and Security Event Notifications for Nuclear Power Reactors. Comments on the proposed ruling, draft regulatory guides and draft weapons safety assessment are being requested by May 4, 2011. The purpose of this letter is to request a 90-day extension to this comment period, which would result in a due date of August 4, 2011.

The proposed ruling would implement the Firearms Guidelines that were issued by the U.S. Nuclear Regulatory Commission (NRC) after obtaining the approval of the U.S. Attorney General to implement the authority of the new section 161A of the Atomic Energy Act (AEA), "Use of Firearms by Security Personnel." AEA section 161A confers upon the Commission the authority to authorize a licensee's or certificate holder's security personnel to possess and use enhanced weapons (*e.g.,* machine guns) and to allow this statutory provision to preempt state, local, and certain federal firearms laws. Security personnel with access to any enhanced weapon must undergo a firearms background check that would include fingerprinting and a check against the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) database.

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[1] 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 plant 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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The proposed rule also contains new and revised security notification requirements in Appendix G, "Reportable Safeguards Events," to Title 10 of 10 CFR Part 73, "Physical Protection of Plants and Materials" and 10 CFR 73.71, "Reporting of Safeguards Events" for attacks and imminent threats to power reactors and Category 1 strategic special nuclear material facilities.

NEI is coordinating industry comments on the proposed ruling and associated documents to ensure that the comments are of high quality and that they reflect a consensus industry perspective. However, the comment period provided in the February 3, 2011, *Federal Register Notice* is insufficient, given the complexity of the topical area and the number of documents associated with the rule. Extending the comment period would provide the time necessary to more fully assess the content of the proposed ruling and associated documents and arrive at a set of comments that are of value to the NRC staff.

We appreciate your consideration of this request and respectfully request timely feedback. If you have questions or require additional information, please contact me at (202) 739-8078; cee@nei.org.

Sincerely,

Chris Earls

Christopher E. Earls

c: Mr. Robert Beall, NRC
Mr. Philip G. Brochman, NRC
NRC Document Control Desk

PUBLIC SUBMISSION

As of: February 16, 2011
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Status: Pending_Post
Tracking No. 80bef6da
Comments Due: May 04, 2011
Submission Type: Web

Docket: NRC-2011-0018
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

Comment On: NRC-2011-0018-0001
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

Document: NRC-2011-0018-DRAFT-0011
Comment on FR Doc # 2011-01766

Submitter Information

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Organization: Nuclear Energy Institute

General Comment

Request for Extension of Comment Period (See Attached File)

Attachments

NRC-2011-0018-DRAFT-0011.1: Comment on FR Doc # 2011-01766

Rulemaking Comments

From: Gallagher, Carol
Sent: Wednesday, February 16, 2011 10:35 AM
To: Rulemaking Comments
Subject: Comment on Proposed Rule - Enhanced Weapons, Firearms Background Checks...
Attachments: NRC-2011-0018-DRAFT-0011.pdf

Van,

Attached for docketing is a request from Christopher Earls, NEI, for an extension of the comment period for the above noted proposed rule (76 FR 6200; 3150-AI49) that I received via the regulations.gov website on 2/15/11.

Thanks,
Carol

Received: from HQCLSTR01.nrc.gov ([148.184.44.76]) by OWMS01.nrc.gov
([148.184.100.43]) with mapi; Wed, 16 Feb 2011 10:34:40 -0500
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
Date: Wed, 16 Feb 2011 10:34:39 -0500
Subject: Comment on Proposed Rule - Enhanced Weapons, Firearms Background
Checks...
Thread-Topic: Comment on Proposed Rule - Enhanced Weapons, Firearms
Background Checks...
Thread-Index: AcvN7wZCgctWxVpoTfmNjcO20loK1A==
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X-MS-TNEF-Correlator:
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