PR-73
80FR57106

2

# PUBLIC SUBMISSION

**As of:** 12/10/15 10:47 AM
**Received:** December 07, 2015
**Status:** Pending_Post
**Tracking No.** 1jz-8mor-pn7s
**Comments Due:** December 07, 2015
**Submission Type:** Web

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

**Comment On:** NRC-2011-0018-0033
Enhanced Weapons, Firearms Background Checks, and Security Event Notifications; Supplemental Proposed Rule

**Document:** NRC-2011-0018-DRAFT-0033
Comment on FR Doc # 2015-23669

## Submitter Information

**Name:** S Hardin
**Address:**
Mt Airy, MD,

## General Comment

See attached file(s)

## Attachments

Comments on Enhanced Weapons Supplemental Rule

7 December 2015

Secretary, US Nuclear Regulatory Commission

Subject: Comments on Proposed Rule (Docket ID NRC-2011-0015 and NRC-2011-0018)

I would like to continue register my support for the NRC's efforts to issue a rule to increase the weaponry available to NRC licensees to protect Americans from acts of terrorism. However, I would like to suggest two items in the proposed rule that are in error and one item that should be improved to increase the capability of the NRC's final rule.

First, in 10 CFR 73.19(b)(1) licensees who apply for "stand-alone preemption authority or combined enhanced weapons authority and preemption authority" must establish a firearms background check plan. However, in 10 CFR 73.19(r) no mention is made of developing a firearms background check plan for those licensees who were previously issued orders designating them as eligible to apply for Section 161A authority; and are now transitioning to the final rule. In Designation Order EA-13-092, Attachment 3, the NRC did not specify any requirement for developing a firearms background check plan (see 78 FR 35984; 14 Jun 2013). Therefore, I believe 10 CFR 73.19(r) should be changed to indicate that licensees shifting from orders to the new regulations must also develop a firearms background check plan.

Second, in 10 CFR 73.19(r)(3) licensees have 60 days to develop "procedures, instructions, and training material." However, I believe this length of time is insufficient for these affected licensees to develop a firearms background check plan after the final rule is issued. Consequently, I believe the NRC should change this provision to a longer period of time. Development of a firearms background check plan meeting the requirements of 10 CFR 73.19(b) is more complex than updating procedures, instructions, and training material. Therefore, I would suggest 4 months is more appropriate, for this more complex task.

Finally, I believe the NRC should take advantage of this current rulemaking opportunity to include stand-alone spent fuel storage facilities and transportation of spent fuel within the classes of designated facilities and activities in 10 CFR 73.18(c). In the NRC's supplemental proposed rule in 2013, the NRC proposed to add only at-reactor ISFSIs [independent spent fuel storage installations]. However, since the NRC's proposed action in 2013, objective reality has changed with two separate firms indicating they intend to apply for Part 72 licenses for centralized spent fuel storage installations. In public meetings and public conferences with the NRC, these firms indicated they would submit applications in 2016 to obtain licenses. The firms also indicated that these two facilities could receive 3000 to 4000 shipments each of spent fuel. This information should be considered by the NRC in the final rule.

The NRC in the 2013 proposed rule has indicated that facilities storing spent fuel are appropriate for Section 161A authority. Consequently, I believe such a change to include stand-alone ISFSIs is consistent with the scope of this rulemaking. Secondly, since the NRC has indicated that facilities at each end of the transportation transaction are appropriate for Section 161A authority (i.e., the reactor facility shipping the spent fuel and a central ISFSI receiving the spent fuel), then the spent fuel during transportation is also appropriate for Section 161A authority and should be considered within the scope of this overall rulemaking effort. Addressing this issue in the final rule would be both more effective and efficient for the NRC and would also support a national strategy for moving shutdown reactors to central ISFSIs.

S. Hardin, Mt. Airy, MD