

<b>As of:</b> 6/7/17 10:22 AM <b>Received:</b> June 04, 2017 <b>Status:</b> Pending_Post <b>Tracking No.</b> 1k1-8wrx-cpaq <b>Comments Due:</b> June 13, 2017 <b>Submission Type:</b> Web
--

# PUBLIC SUBMISSION

**Docket:** NRC-2011-0087  
Non-power Production or Utilization Facility License Renewal

**Comment On:** NRC-2011-0087-0023  
Non-Power Production or Utilization Facility License Renewal

**Document:** NRC-2011-0087-DRAFT-0027  
Comment on FR Doc # 2017-06162

---

## Submitter Information

**Name:** WB Smith

---

## General Comment

See attached file(s)

---

## Attachments

Comments on NPUF rule, 6-4-17

June 4, 2017

Attn: Secretary, USNRC

Subject: Comments on Proposed Rule: "Non-power Production or Utilization Facility License Renewal," Docket ID NRC-2011-0087

Dear Sirs:

I am writing in support of this proposed rule. The NRC should promptly issue a final rule on this matter in furtherance of public confidence in the NRC's actions. In addition, I offer the following corrective and/or conforming changes.

1. In § 50.2, the new definition for *Non-power production or utilization facility* does not follow the Office of the Federal Register (OFR) rule drafting standards (i.e., specifying the relevant part, chapter, or title), is unclear whether the proposed term "fuel reprocessing" refers to uranium scrap recovery at a fresh fuel fabrication facility or instead refers to a spent nuclear fuel reprocessing facility, and uses the terms "facility" and "plant" [in the same definition] without explain the difference and where the use of a single term will improve regulatory clarity (i.e., the proposed language makes a distinction without a difference). Therefore, I recommend this new definition be revised to read as follows: "*Non-power production or utilization facility* means a non-power reactor, testing facility, or other production or utilization facility, licensed under § 50.21(a), § 50.21(c), or § 50.22, of this part, that is not a nuclear power reactor or a spent nuclear fuel reprocessing facility."
2. In § 50.2, with regard to my Comment # 1 above, Part 50 does not currently include a definition for the term "spent nuclear fuel" (SNF). Therefore, I recommend adding a new definition for the term spent nuclear fuel to § 50.2 as a conforming change; and that the NRC use as a definition for SNF the language it set forth to § 73.2 in a previous proposed rule (76 FR 6200; Feb 3, 2011). Consequently, this new term under § 50.2 would read as follows: "*Spent nuclear fuel or Spent fuel (SNF)* means the fuel that has been withdrawn from a nuclear reactor following irradiation and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with a fuel assembly."
3. The facilities described as NPUFs under this proposed change to Part 50 are also subject to the security regulations of 10 CFR Part 73 (for example, see the requirements in §§ 73.60 and 73.67). However, the term NPUF is not currently defined in Part 73. This should be addressed as a conforming change in the final rule. Therefore, I recommend that the scope of this rule be expanded to include Part 73 and a new definition be added to § 73.2 to read as follows: "*Non-power production or utilization facility* means a non-power reactor, testing facility, or other production or utilization facility, licensed under § 50.21(a), § 50.21(c), or § 50.22, of this chapter, that is not a nuclear power reactor or a spent nuclear fuel reprocessing facility."

4. In many of the proposed changes to the provisions of Part 50 under this rule, where only a section symbol and section number are specified, the term “of this part” or “of this chapter,” as appropriate, should be added to improve regulatory clarity and consistency with OFR standards.
5. The NRC is proposing to add requirements relative to NPUFs in Part 51; however, the term NPUF is not proposed to be added to § 51.4 as a conforming change. Why is the NRC not making a conforming change to § 51.4 to add the term NPUF?
6. Moreover, it is not clear whether under current § 51.4, definition for the term *Construction*, subparagraph (1)(i)(J), the phrase NPUF should be used; rather than the phrase “testing facilities.” I recommend the NRC clarify in the final rule that no change is required to this subparagraph, or replace “testing facility” with “NPUF” as a conforming change, along with adding the definition for NUPU itself (to § 51.4).

Sincerely,

WB Smith  
Indianapolis, IN