



# **2015 – 2<sup>nd</sup> Supplemental Proposed Enhanced Weapons Rulemaking**

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*November 19, 2015*



# Purpose

- **Describe the changes from the 2011 proposed enhanced weapons rule due to the 2015 second supplemental proposed rule**
- **Enhance public understanding of the second supplemental proposed rule's objectives**
- **Enhance public understanding to facilitate the submission of timely comments on the second supplemental proposed rule**
  - **Comment period closes on December 7, 2015**



# History

- **Proposed rule (76 FR 6200; Feb 3, 2011)**
- **First supplemental proposed rule (78 FR 2214; Jan 10, 2013)**
- **Second supplemental proposed rule (80 FR 57106; Sep 22, 2015)**
- **[www.regulations.gov](http://www.regulations.gov)**
  - **Docket ID NRC-2011-0018 (rule)**
  - **Docket ID NRC-2011-0015 (draft guide 5020)**



# Drivers for the Second Supplemental Proposed Rule

- **Revision 1 to the Firearms Guidelines**
  - Principle change: limit the scope of the firearms background check requirement to only those licensees that apply to the NRC for Section 161A authority
- **Lessons learned from applications for preemption authority via Order**
  - Principle change: Statement of an applicant's reasons for seeking Section 161 A authority
  - Commission direction to accomplish sunseting of preemption authority orders once the final rule is effective
- **No changes to the proposed physical security event notification provisions in this second supplemental proposed rule**



# Overview of Changes

- **Changes to five definitions**
- **New processes for applying for stand-alone preemption authority or combined enhanced weapons authority and preemption authority**
- **Sunsetting of Orders**
- **New Firearms Background Check Plan**
- **Only licensees who apply for §161A authority must conduct firearms background checks**
- **Lengthen interval for periodic checks**
- **Clarify break-in-service checks**



# Supplemental Proposed Requirements

## 10 CFR 73.2

- **Definitions** – Modified and removed five definitions
  - Modified definitions for the terms *Combined enhanced weapons authority and preemption authority*, *Covered weapon*, and *Stand-alone preemption authority* to reflect the 2014 Revision 1 to the Firearms Guidelines.
  - Removed the proposed new term *Standard weapon* to reflect Revision 1 to the Firearms Guidelines
  - Conforming and editorial changes to the proposed term *Enhanced weapons* due to removal of proposed new term *Standard weapons*



# Supplemental Proposed Requirements

## 10 CFR 73.18

- Application requirements and process updated
- Complete revision to 73.18(d) and 73.18(e)
- Paragraph d – Applying for Stand-alone preemption authority
- Paragraph e – Applying for Combined enhanced weapons authority and preemption authority.



# Supplemental Proposed Requirements

10 CFR 73.18

- Application Process:
  - Initial application
  - Conduct of firearms background checks
  - Supplemental submittal regarding sufficient number of firearms background checks
- Only applicants for §161A authority are required to conduct Firearms Background Checks
- Firearms Background Checks can begin once an application is accepted by the NRC for review
- Only licensees can conduct Firearms Background Checks – not applicants for a license





# Supplemental Proposed Requirements

## 10 CFR 73.18

- Application Contents:
  - Statement of purpose (or need) in applying for Section 161A authority included in application
- Paragraphs with only minor editorial or conforming changes to 73.18(f), 73.18(j), 73.18(n)
- Sunsetting of Orders – new paragraph 73.18(s)
  - Final rule requirements supersede orders
  - Transition requirements and timing



# Supplemental Proposed Requirements

10 CFR 73.19

- **Paragraph B - Firearms Background Check Requirements**
- Establishment of a Firearms Background Check Plan as a component of the licensee's security officer Training and Qualification Plan
- Description of groups of individuals included within the term *security personnel whose official duties require access to covered weapons*.
- Requirement for periodic firearms background checks every 5 years
- Timeliness goals for completing initial firearms background checks removed (30-day and 180-day goals)



# Supplemental Proposed Requirements

10 CFR 73.19

- **Removal of Security Personnel from access to covered weapons**
- Proposed requirement to remove individuals from duties requiring access to covered weapons if they receive a “denied NICS response.”
- Proposed requirement to remove individuals from duties requiring access to enhanced weapons if the individual receives a “delayed NICS response.”
- Proposed requirement to notify the NRC upon the removal of security personnel from access to covered weapons



# Supplemental Proposed Requirements

## 10 CFR 73.19

- Revised proposed requirements for security personnel that experience a break in service
  - Active-duty military service exception
- Licensees and certificate holders would be prohibited from using a satisfactory firearms background check in lieu of completing other required criminal history records checks or background investigations specified in other access authorization or personnel security clearance programs



# Supplemental Proposed Requirements

## 10 CFR 73.19

- **Paragraph j** – training for security personnel
  - Disqualifying events and status conditions
  - Requirement to notify the licensee’s security management of the occurrence of any disqualifying condition or status change
  - Firearms background check process
  - Appealing adverse results to the FBI
  - Time limitations on appeals
  
- **Paragraph r** – sunseting of orders
  - Designation order required Firearms Background Checks



# Supplemental Proposed Requirements

10 CFR 73.18 and 73.19

- **Sunset of §161A authority orders**
  - Only stand-alone preemption authority orders issued to date
  - Potential combined enhanced weapons authority and preemption authority orders are also covered
- Licensees with Section 161A authority under orders will transition to authority under the proposed regulations
  - Licensees would be required to update procedures, instructions, and training to reflect any revised requirements in the final rule and notify the NRC of the completion of this action
  - The NRC would subsequently take action to rescind preemption authority orders following notification of completion of actions
- Licensees with Section 161A authority by order, need not re-submit initial firearms background checks once the rule is effective



# Supplemental Proposed Requirements

## 10 CFR 73.51

- Conforming changes to implement the same proposed security office training requirement for at-reactor ISFSI licensees that use covered weapons, as are applied to the co-located power reactor using covered weapons
  - Training on use of force and applicable State requirements under ISFSI security program
- This change was overlooked when the first supplemental proposed rule was issued in 2013
  - Added at-reactor independent spent fuel storage installations (ISFSIs) to the classes of designated facilities eligible to apply for §161A authority