



2015 – 2nd Supplemental Proposed Enhanced Weapons Rulemaking

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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**
 - **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

- **Sunsetting 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