

December 15, 2015

U.S. Nuclear Regulatory Commission Public Meeting Summary

Title: The Proposed Enhanced Weapons, Firearms Background Checks and Security Event Notifications Rulemaking

Meeting Identifier: 20151684

Date of Meeting: November 19, 2015

Location: U.S. Nuclear Regulatory Commission (NRC) headquarters location in Rockville, Maryland

Type of Meeting: Category 3

Purpose of the Meeting: This meeting provides an opportunity for the NRC and the public to discuss the supplemental proposed enhanced weapons rule, the associated revised draft regulatory guide, and the implementation dates for the proposed regulation. The NRC did not accept formal written comments during the meeting.

General Details: The meeting was attended by 17 individuals including industry representatives and NRC staff, 7 of whom participated through audio teleconferencing and webinar.

Summary of Presentations: The meeting slides and handouts are available in the Agencywide Documents Access and Management System (ADAMS) (See Attachments Section). The meeting started with welcome, introductions, and meeting ground rules. NRC staff made three presentations on the following topics:

1. The contents of the supplemental proposed Enhanced Weapons, Firearms Background Check and Security Event Notifications rule,
2. The contents of draft Regulatory Guide 5020, Revision 1, "Applying for Enhanced-Weapons Authority, Applying for Preemption Authority, and Performing Firearms Background Checks Under 10 CFR Part 73" (DG-5020), and
3. The implementation schedule for the proposed requirements.

The staff noted that the purpose of this meeting was to facilitate external stakeholder understanding of the supplemental proposed rule and revised draft regulatory guide to enable submission of well informed comments. Attendees were strongly encouraged to read the documents on www.regulations.gov using Docket IDs NRC-2011-0018 (proposed rule) and NRC-2011-0015 (draft DG-5020, Revision 1) prior to the meeting. The public comment period for the proposed rule and the draft guide closes on December 7, 2015.

Public Participation Themes: Public participants asked questions on two subjects during the meeting. First, a public participant asked about the following hypothetical situation: A member of a licensee's security personnel receives a Denied National Instant Criminal Background Check System (NICS) response. The security personnel successfully appeals the Denied NICS response to the Federal Bureau of Investigation and receives a Proceed NICS response. Assuming no new prohibitors or potential prohibitors occurs again for that security personnel, does that person need to go through the appeal process again every 5 years during the periodic firearms background check? The NRC's understanding of the NICS appeal process is as follows:

Denied transactions that are overturned upon appeal will purge within 88-days. The Voluntary Appeal File (VAF) is available to the NRC licensee security personnel. Upon completing the appeal, the Appeal Services Team will recommend the VAF if the personnel is non-ident to a prohibiting/potentially prohibiting record and if the records cannot be updated to show the firearm prohibitor(s) were nullified. If the NRC licensee security personnel applies and is issued a Unique Personal Identification Number (UPIN) that number should be used for future background checks. As long as there are no new prohibitors/potential prohibitors since the UPIN was issued, the security personnel should not be denied on future NICS background checks, thus should not need to appeal every time.

The second topic raised by meeting participants was the incorporation of the Firearms Background Check Plan into the Training and Qualification Plan. A participant noted that licensees use a template for Training and Qualification plans and that to change the template would require substantial NRC staff and licensee staff effort. The participant asked if it was the NRC's intent that the template be modified to incorporate the Firearms Background Check Plan. The NRC staff encouraged the participant to submit a public comment on the subject using the process outlined in the *Federal Register* notice for the supplemental proposed rule.

Action Items/Next Steps:

- The public comment period for the supplemental proposed enhanced weapons rulemaking closed on December 7, 2015.
- The NRC staff intends to seek Commission approval to publish a final rule in the *Federal Register*.

Attachments:

- Meeting notice and agenda – ADAMS accession number ML15299A198
- NRC staff presentations – ADAMS accession numbers ML15299A003, ML15299A004, and ML15299A005.

Enclosure: List of meeting participants

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ADAMS Accession No.: ML15348A082 *** by email** **NRR-001**

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NAME	MEllenson	GLappert	TInverso	MEllenson
DATE	12/15/2015	12/15/2015	12/15/2015	12/15/2015

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**List of Public Meeting Attendees
November 19, 2015**

Name		Organization
Philip	Brochman	NRC
Margaret	Ellenson	NRC
Tara	Inverso	NRC
Glenna	Lappert	NRC
Norman	StAmour	NRC
Patrick	Asendorf	Tennessee Valley Authority
Drew	Crislip	Federal Bureau of Investigation
John	Curling	Dominion
Thomas	Eck	Talen Susquehanna, LLC.
Chris	Kelley	Exelon
David	Kline	Nuclear Energy Institute
Sherry	Kuneff	Federal Bureau of Investigation
Fred	Marcussen	Tennessee Valley Authority
Gerald	Mocello	Duke Energy
Michael	Priebe	STARS Alliance
Chris	Osborn	Duke Energy
Dick	Speer	Nuclear Energy Institute