



SECRETARY

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 27, 2022

IN RESPONSE, PLEASE
REFER TO: M220127A

MEMORANDUM FOR: Daniel H. Dorman
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION,
8:55 A.M., THURSDAY, JANUARY 27, 2022, VIDEO
CONFERENCE MEETING (OPEN TO PUBLIC VIA WEBCAST)

I. SECY-18-0058 – DRAFT FINAL RULE—ENHANCED WEAPONS, FIREARMS
BACKGROUND CHECKS, AND SECURITY EVENT NOTIFICATIONS (RIN-3150-AI49;
NRC-2011-0014, NRC-2011-0015, NRC-2011-0017, and NRC-2011-0018)

The Commission¹ has approved a final rule that amends the NRC's security regulations to implement the Commission's authority under Section 161A of the Atomic Energy Act of 1954, as amended; modifies existing requirements for licensee physical security event notifications; and adds new requirements for licensees to report suspicious activities, with the enclosed changes. The Commission has also certified, under the Regulatory Flexibility Act that this rule will not have significant economic impact on a substantial number of small entities.

Inspectors should focus their oversight on ensuring licensees are trained to recognize and respond to suspicious activity according to their documented programs.

In accordance with the Social Security Fraud Prevention Act of 2017, Pub. Law No. 115 59, 131 Stat. 1152 (42 U.S.C. § 405 note), the NRC adopted regulations in 2020 concerning the use of Social Security account numbers (SSN) sent by mail in 10 CFR Part 9, Subpart E, "Social Security Number Fraud Prevention Act Requirements." Under 10 CFR § 9.301(b), a document sent by mail may only include the SSN of an individual if it is determined by the head of the agency that the inclusion of a SSN is necessary. Under 10 CFR § 9.301(c), the inclusion of a SSN is necessary when required by law or necessary to identify a specific individual and no adequate substitute is available.

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a majority vote of the members present. Chairman Hanson, and Commissioners Baran and Wright participated in the meeting via public webcast.

The Chairman, as the head of the agency, has determined that the criteria specified in § 9.301(c)(2) have been met because the inclusion of an individual's full SSN on new NRC Form 754, "Armed Security Personnel Firearms Background Check," and the use of Federal Bureau of Investigation Form FD-258, "Applicant Fingerprint Form," is necessary to identify a specific individual, and no substitute is available.

Following incorporation of these changes, the *Federal Register* notice should be reviewed by the Regulatory Analysis and Rulemaking Support Branch in the Office of Nuclear Material Safety and Safeguards and forwarded to the Office of the Secretary for signature and publication.

Enclosure:

As stated

cc: Chairman Hanson
Commissioner Baran
Commissioner Wright
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
ODs, RAs, ACRS, ASLBP
PDR