



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

March 20, 2023

ALL AGREEMENT STATES
CONNECTICUT, INDIANA, WEST VIRGINIA
STATE LIAISON OFFICERS

NOTICE OF FINAL RULE: REPORTING REQUIREMENTS ON PART 73 ENHANCED
WEAPONS, FIREARMS BACKGROUND CHECKS, AND SECURITY EVENT NOTIFICATIONS
(STC-23-014)

Purpose: To provide notice of: 1) implementation of the Commission's authority under Section 161A of the Atomic Energy Act of 1954 (AEA), as amended, authorizing the Commission to designate those classes of licensees permitted to use certain firearms, weapons, ammunition, or devices, notwithstanding local, State, and certain Federal firearms laws and regulations prohibiting such use; 2) revision of reporting requirements published by the final rule related to enhanced weapons, firearms background checks, and physical security event notifications; and 3) requirements for reporting suspicious activities to law enforcement agencies and the U.S. Nuclear Regulatory Commission (NRC).

Background: The NRC has amended its regulations related to enhanced weapons, firearms background checks, security event notifications, and suspicious activity reports. Earlier opportunities for stakeholder input included a request for comment on a proposed rule dated February 3, 2011 (76 FR 6200), extension of the public comment period for the proposed rule (76 FR 23515, April 27, 2011), a first supplemental proposed rule dated January 10, 2013 (78 FR 2214), and a second supplemental proposed rule dated September 22, 2015 (80 FR 57106).

Discussion: The NRC published the enclosed final rule in the *Federal Register* on March 14, 2023 (88 FR 15864). The NRC is also publishing three regulatory guides and a NUREG concurrent with the final rule. The *Federal Register* notice and documents related to this rulemaking are posted on the Federal rulemaking website, <https://www.regulations.gov>, under Docket ID [NRC-2011-0018](https://www.regulations.gov). Additional information about this final rule, including related documents, will be posted on the NRC public website at <https://www.nrc.gov/security/domestic/reg-guide.html>.

This final rule reflects the proposed changes from the 2011 proposed rule and 2013 and 2015 supplemental proposed rules. This final rule amends the NRC's regulations in 10 CFR Part 73, "Physical Protection of Plants and Material," to implement the Commission's authority under Section 161A of the AEA (Section 161A authority), to provide a graded approach for physical security event notification requirements and adds new mandatory suspicious activity reporting requirements. This rule is classified as compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC expects this final rule to impact 11 Agreement State licensees and no Agreement States.

Certain Agreement State licensees possessing special nuclear material of low strategic significance (SNM-LSS) are currently subject to the physical security requirements of 10 CFR 73.67, "Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance" in accordance with 10 CFR 150.14, "Commission regulatory authority for physical protection." Consequently, such licensees are subject to both their Agreement State's safety regulations and the NRC's security regulations. These licensees are also subject to the NRC's current physical security event notification requirements under 10 CFR Part 73. Under this final rule, Agreement State licensees possessing SNM-LSS are subject to the NRC's new regulations in 10 CFR 73.1200, "Notification of physical security events," and 10 CFR 73.1205, "Written follow-up reports of physical security events." However, Agreement State licensees would not be subject to any of the provisions of this final rule related to Section 161A authority under 10 CFR 73.15, "Authorization for use of enhanced weapons and preemption of firearms laws," or to the suspicious activity reporting requirements under 10 CFR 73.1215, "Suspicious activity reports."

Accordingly, Agreement State licensees who are subject to these new regulations in 10 CFR 73.1200 and 73.1205 are required to revise their physical security event notification procedures to address these new regulatory requirements. Affected licensees must complete any necessary revisions to their event notification procedures and conduct training on these revised procedures for licensee personnel responsible for making such event notifications by January 8, 2024. Updated guidance on these new regulations may be found under NRC Regulatory Guide (RG) 5.62, Revision 2, "Physical Security Event Notifications, Reports, and Records." RG 5.62 may be found on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/protection/rg/index.html>.

The NRC requests that Agreement State program directors forward this correspondence to any affected Agreement State licensees within their state for the licensee's action. If desired, such affected Agreement State licensees may voluntarily provide their contact information to the NRC for inclusion in notification service lists for future relevant NRC generic communications and activities. Additionally, the NRC staff anticipates holding implementation workshops for affected licensees (open to both NRC and Agreement State licensees) in the near future.

If you have any questions regarding this rulemaking or this correspondence, please contact the individual named below.

POINT OF CONTACT: Stewart Schneider E-MAIL: Stewart.Schneider@nrc.gov
TELEPHONE: (301) 415-4123

Sincerely,



Inverso, Tara signing on behalf
of Regan, Christopher
on 03/20/23

Christopher M. Regan, Director
Division of Rulemaking,
Environmental, and Financial Support
Office of Nuclear Material Safety and
Safeguards

Enclosure: Enhanced Weapons Final Rule

SUBJECT: NOTICE OF FINAL RULE: REPORTING REQUIREMENTS ON PART 73 ENHANCED WEAPONS, FIREARMS BACKGROUND CHECKS, AND SECURITY EVENT NOTIFICATIONS (STC-23-014)

DATED March 20, 2023

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OFFICE	NMSS/REFS/RRPB	NMSS/REFS/RRPB	NMSS/MSST/SLPB	NMSS/MSST
NAME	SSchneider	IBerrios	BCecere	TClark
DATE	2/27/2023	2/27/2023	3/3/2023	3/16/2023
OFFICE	NMSS/REFS			
NAME	CRegan (TInverso for)			
DATE	3/20/2023			

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STC-22-014 Notice on Final Rule, Reporting Requirements on Part 73 Enhanced Weapons, Firearms Background Checks, and Security Event Notifications DATE March 20, 2023

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NAME	SSchneider SS	IBerrios IB	SSchneider SS	BCecere BC
DATE	Feb 27, 2023	Feb 27, 2023	Feb 28, 2023	Mar 3, 2023
OFFICE	NMSS/REFS/RRPB	NMSS/REFS/RRPB	NMSS/MSST	NMSS/REFS/RRPB
NAME	SSchneider SS	SSchneider SS	TCClark TC	SSchneider SS
DATE	Mar 14, 2023	Mar 16, 2023	Mar 16, 2023	Mar 16, 2023
OFFICE	NMSS/REFS	NMSS/REFS		
NAME	CRegan TInverso for TI	CRegan TInverso for TI		
DATE	Mar 16, 2023	Mar 20, 2023		

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