



**Limited-Scope Revisions to
EWR Supporting Guidance
(Content Discussion)
(DG-5080, DG-5081, and DG-5082)**

Phil Brochman, NSIR/DPCP
August 22, 2023
ML23dddXaaa

Meeting Purpose

- Preview NRC staff's proposed technical content for limited-scope revisions to the regulatory guidance documents supporting the final Enhanced Weapons Rule's (EWR)
- Discuss staff's contemplated approach to address the most significant issues raised by stakeholders
- Any proposed changes will be contained in Draft Guides (DG) 5080, DG-5081, and DG-5082, and these documents will be published in the *Federal Register* for public comment.

Disclaimer

The information discussed in these slides reflects the NRC staff's current contemplated approach to addressing stakeholders' issues.

However, a specific technical approach resolving any issue that is discussed in this meeting may evolve as these draft guides move through the NRC's review and approval process prior to publication for comment.

Contents Meeting Agenda

- Proposed changes to three Regulatory Guides (RGs)
 - DG-5082 (RG 5.87 revision 1)
 - DG-5081 (RG 5.86 revision 1)
 - DG-5080 (RG 5.62 revision 3)

- Questions

DG-5082
(Revision 1 to RG 5.87)

DG-5082

Two potential changes in DG-5082 relating to aircraft suspicious activity reporting process:

- Clarify in Section B, Topic “Reporting Timeliness and Order of Precedence” coordination and precedence language for aircraft suspicious activities
- Clarify in Section B, Topics “Reporting Timeliness and Order of Precedence” and “Notification Process” coordination with the appropriate FAA aircraft control facility

DG-5081
(Revision 1 to RG 5.86)

DG-5081

Two potential changes in DG-5081 relating to enhanced weapons issues:

- Clarify in Section B, Topic “Stand-Alone Preemption Authority and Combined Preemption Authority and Enhanced Weapons Authority” the process for applying for combined preemption authority and enhanced weapons authority
- Clarify in Section C, Staff Regulatory Guidance position 5, the applicability of training on enhanced for security personnel with “access to” versus “use of” enhanced weapons

DG-5081 (cont.)

Two potential changes to DG-5081 on firearms background check issues:

In Section B, topic “Firearms Background Check”

- Clarify the applicability of a firearms background check for security personnel without firearms duties
- Clarify on-boarding process for newly hired personnel with firearms duties who are undergoing a firearms background check

DG-5080
(Revision 3 to RG 5.62)

DG-5080 (RG 5.62)

One potential change in DG 5080 on 15-minute hostile action events:

- Revise in Section C, Staff Regulatory Guidance position 7.1, example 4, the focus and relevant location for a hostile action event regarding certain types of contraband and the discovery location versus the 4-hour event notification for contraband events

DG-5080 (cont.)

Two potential changes in DG-5080 regarding events involving lost versus uncontrolled authorized weapons – reporting vs. recording considerations:

- Clarify in Section C, Staff Regulatory Guidance position 9.1, a reasonable amount of time for a licensee to search for a potentially lost weapon and the time of discovery
- Clarify in Section C, Staff Regulatory Guidance position 18.2, example 8, as a recordable decrease in effectiveness event under 10 CFR 73.1210(f) an uncontrolled weapon found within the reasonable time period, briefly left unattended, or briefly out of line of site of an authorized security personnel

DG-5080 (cont.)

Two potential changes in DG-5080 to clarify malevolent intent considerations for contraband event notifications in Section C, Staff Regulatory Guidance position 2:

- Clarify that a licensee with a police force or security personnel who are reserve police officers may evaluate malevolent intent in screening such events
- Clarify licensee options if local law enforcement is unavailable to respond to the facility for a contraband event and malevolent intent screening

DG-5080 (cont.)

Regarding 4-hour event notifications for a law enforcement response to a facility under Section C, Staff Regulatory Guidance position 9.1:

- The NRC has reevaluated this question and agrees the notifications under 10 CFR Parts 50 and 73 could be duplicative
- However, the “does not otherwise” language in 10 CFR 73.1200(e)(3)(i) addresses a duplicate Part 50 notification
- Staff notes that 10 CFR 73.1200(e)(3)(i) does not have equivalent language for a 10 CFR 72.75 event notification
 - Licensees can use the provisions of 10 CFR 73.1200(s) regarding elimination of duplication

DG-5080 (cont.)

Regarding 4-hour event notifications for contraband involving unauthorized electronic devices at a facility:

- The NRC staff is still evaluating this issue for conflicts with respect to the separate event notification and recording provisions of 10 CFR 95.57(a) and (b)
- The NRC staff is still evaluating this issue with respect to situations where the NRC is not the cognizant security agency for a licensee

DG-5080 (cont.)

Regarding 15-minute event notifications for facilities and transportation activities involving hostile actions:

- No change required in Section C, Staff Regulatory Guidance positions 7.1 and 7.2 regarding the use of the term hostile action
- The NRC staff is still assessing how to address the term hostile threat used in 10 CFR 73.1200(b)(3)(ii)

DG-5080 (cont.)

Regarding 15-minute hostile action event timing and continuous communications channel staffing under Staff Regulatory Guidance position 7.3:

- The current language provides sufficient flexibility to licensees to delay notification to the NRC until after State notification is accomplished
- Establishment of a continuous communications channel – after the State notification – also provides licensees sufficient flexibility
 - This was a previous requirement under 10 CFR 73.71(b)(2)

QUESTIONS?