

# NRC INSPECTION MANUAL

NSIR/DSO

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## INSPECTION PROCEDURE 71130.07EW

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### ENHANCED WEAPONS AND PREEMPTION OF FIREARMS LAWS

Effective Date: January 2, 2024

PROGRAM APPLICABILITY: IMC 2201 A

#### 71130.07EW-01 INSPECTION OBJECTIVES

- 01.01 To verify and assess the licensee implementation of its enhanced weapons program in accordance with the U.S. Nuclear Regulatory Commission (NRC) requirements, NRC-approved security plans, and any other applicable requirements.
- 01.02 To assess security personnel knowledge, skills, and abilities to conform with the licensee training and qualification (T&Q) plan, regulatory requirements, and any other applicable NRC requirements.
- 01.03 To verify required security equipment assigned to security personnel meets the objectives outlined in the licensee's T&Q plan, NRC regulatory requirements, and any other applicable requirements.

#### 71130.07EW-02 INSPECTION GUIDANCE

Through verification of the inspection requirements within this inspection procedure (IP), inspector(s) shall ensure that the licensee has applied for and been granted NRC approval for the use of enhanced weapons.

This IP will only be used at Power Reactor licensees who have received prior NRC approval for the use of enhanced weapons.

In preparing to complete this procedure, the inspector(s) should familiarize themselves with relevant documentation which may include, but is not limited to, the licensee's security plans, site-specific and/or corporate implementing procedures, security post orders, and security program reviews and audits.

The inspector(s) are responsible for ensuring that all applicable inspection requirements identified within the sample are completed and evaluated to a level which provides assurance that licensees are meeting NRC regulatory requirements within the security program. The guidance within this procedure is being provided as a tool which: (1) recommends to the inspector(s) certain methods and techniques for determining licensee security program compliance and effectiveness related to an inspection requirement or (2) clarifies certain aspects of a regulatory requirement associated with a particular inspection requirement. Where minimum sampling numbers are indicated (i.e., at least three intrusion detection system (IDS) zones shall be tested or at least 20 percent of the total personnel on a shift will be selected for weapons firing etc.), the inspector(s) should adhere as closely as possible to the numbers

identified in the guidance. The inspector(s) may expand the minimum number to aid in determining the extent of the condition, should compliance concerns arise. Completion of other recommended actions contained in this guidance should not be viewed as mandatory and is only intended to assist the inspector(s) in determining whether an inspection sample has been adequately addressed. Should questions arise regarding procedural requirements or guidance, the inspector(s) should consult with regional management or the Office of Nuclear Security and Incident Response, the program office, for clarification.

In some instances, it may be beneficial to culminate this inspection effort with interviews of security personnel to determine whether they have the requisite knowledge, skills, and abilities. This may allow for independent verification of some aspects of training data collected during the inspection. When conducting interviews, the inspector(s) should avoid distracting the officer from their primary duties. The inspector(s) should also be sensitive to allegations and the processes to ensure proper handling. Whenever possible and as appropriate, interviews should be conducted at the duty location.

The inspector(s) shall not handle licensee weapons that are assigned to post. The inspector(s) shall ask the licensee to demonstrate the function of the weapon(s) system if the inspector(s) have questions about the functionality or accuracy of the weapon(s) system. If the inspector(s) determine a need to handle a weapon, the inspector(s) shall request that a qualified member of the security organization place the weapon in a cleared and safe condition before the inspector handles the weapon(s).

## 71130.07EW-03 INSPECTION REQUIREMENTS

### 03.01 Application Process for Combined Preemption Authority and Enhanced Weapons Authority

- a. Verify that upon the effective date of the NRC's approval of the licensee's application for combined preemption and enhanced weapons authority, the licensee only assigns security personnel who have completed a satisfactory firearms background check to duties requiring access to covered weapons Title 10 of the *Code of Federal Regulations* (10 CFR). (10 CFR 73.15(e)(8))

#### Specific Guidance

No inspection guidance.

### 03.02 Completion of Training and Qualification Before Deployment of Enhanced Weapons

- a. Verify that security personnel with access to enhanced weapons have completed firearms training and qualification in accordance with the licensee's T&Q plan. (10 CFR 73.15(h)(1))

#### Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of licensee training records and verify that security personnel who have access to enhanced weapons are properly trained and qualified in accordance with NRC regulations, NRC-approved T&Q plan, and licensee procedures.

- b. Verify that security personnel complete initial T&Q on enhanced weapons before the security personnel's deployment of enhanced weapons to implement the licensee's protective strategy. (10 CFR 73.15(h)(2))

Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of licensee training records and verify that security personnel have received initial training and have qualified on enhanced weapons prior to the licensee deploying enhanced weapons in the field for the implementation of the licensee's protective strategy.

- c. Verify that licensee security personnel receive recurring T&Q on enhanced weapons in accordance with the requirements of the licensee's training and qualification plan. (10 CFR 73.15(h)(3))

Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of licensee training records and verify that security personnel receive recurring training and qualification on enhanced weapons.

- d. Verify the licensee documents all training in accordance with the requirements of the licensee's training and qualification plan. (10 CFR 73.15(h)(4))

Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of licensee training records and verify the licensee documents all training that is conducted for enhanced weapons.

03.03 Transfer of Enhanced Weapons

- a. Verify (as applicable) that approval is granted from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) prior to the licensee transferring any enhanced weapons. The licensee must submit an application to transfer and register the weapon with the ATF in accordance with 27 CFR Part 479. (10 CFR 73.15(m)(7))

Specific Guidance

To inspect this requirement, the inspector(s) should interview the person in charge of enhanced weapons and review inventory records and verify the licensee received approval from the ATF prior to transferring any enhanced weapon(s).

As outlined in 10 CFR 73.15(m)(7)(i)-(iii), examples of transfers include, but are not limited to:

1. Sale or disposal of an enhanced weapon to another authorized NRC licensee;
2. Sale or disposal of an enhanced weapon to an authorized Federal firearms license holder, government agency, official police organization; or
3. Abandonment of an enhanced weapon to the ATF.

In accordance with 10 CFR 73.15(m)(1)(i), a licensee's issuance of enhanced weapons to its security personnel is not considered a transfer provided the enhanced weapons remain within the site boundary. The site boundary is defined in the licensee's safety analysis report that was submitted to the NRC.

- b. Verify the licensee treats any enhanced weapon(s) removal other than those reasons listed in 03.04 c. as a transfer specified under ATF's regulations in [27 CFR Part 479](#) (10 CFR 73.15(m)(6))

Specific Guidance

No inspection guidance.

- c. Verify the licensee has advanced approval from the ATF and only transfers those enhanced weapons set forth in an ATF application, as required by ATF's regulations under [27 CFR Part 479](#). (10 CFR 73.15(m)(7))

Specific Guidance

To inspect this requirement, the inspector(s) should review any weapon(s) transfers that the licensee has completed since the last inspection. This review should include all documentation supporting each transfer. Examples of transfers include, but are not limited to:

1. Sale or disposal of an enhanced weapon to another authorized NRC licensee;
2. Sale or disposal of an enhanced weapons to an authorized Federal firearms license holder, government agency, or official police organization; or
3. Abandonment of an enhanced weapon to the ATF.

03.04 Transport of Weapons

- a. Verify that licensee security personnel transport enhanced weapons to or from a firing range or training facility unloaded and locked in a secure container during transport. (10 CFR 73.15(n)(1))

Specific Guidance

To inspect this requirement, the inspector(s) should observe, if possible, licensee security personnel transporting enhanced weapons. If the inspector(s) cannot observe the transportation of enhanced weapons, the inspector(s) should review the licensee's process and implementing procedures used for transporting enhanced weapons. Unloaded weapons and ammunition may be transported in the same locked secure container.

- b. Verify (as applicable) the licensee only issues enhanced weapons to security personnel for activities outside of the site boundary who are:
  1. employees of the licensee;

2. employees of a contractor providing security services to the licensee and these contractor security personnel are under the direction of, and accompanied by, an authorized licensee employee. (10 CFR 73.15(m)(2)(i) and (ii))

Note: This would not be considered a weapons transfer in accordance with 10 CFR 73.15(m)(2) and (3).

#### Specific Guidance

The following are situations where security personnel transporting enhanced weapons to or from the licensee's facility are not considered transfers of these weapons under ATF's regulations in [27 CFR Part 479](#). (10 CFR 73.15(n)(5)(i) and (ii))

1. The security personnel transporting the enhanced weapons are employees of the licensee.
  2. The security personnel transporting the enhanced weapons are employees of a contractor providing security services to the licensee and these contractor security personnel are under the direction of, and accompanied by, and authorized licensee employee.
- c. Verify (as applicable) the licensee only removes enhanced weapons from the facility for permissible reasons. Common permissible reasons for removing enhanced weapons from the facility include: (10 CFR 73.15(m)(3)(i)-(iii))
1. Removal of enhanced weapons for use at a firing range or training facility that is used by the licensee in accordance with its NRC-approved training and qualification plan for enhanced weapons.
  2. Removal of enhanced weapons for use in escorting shipments of radioactive material or other property that are being transported to or from the licensee's facility.
  3. Removal of enhanced weapons from a licensee's facility to a gunsmith for the purposes of repair or maintenance and the subsequent return of the enhanced weapon to the licensee's facility.

Note: This would not be considered a weapons transfer in accordance with 10 CFR 73.15(m)(2) and (3).

#### Specific Guidance

No inspection guidance.

- d. Verify the licensee returns enhanced weapon(s) to the facility upon completion of an authorized activity. (10 CFR 73.15(m)(4))

#### Specific Guidance

No inspection guidance.

- e. Verify the licensee security personnel maintain control over enhanced weapon(s) following the completion of official duties. Security personnel must (1) return the issued enhanced weapon(s) to an authorized enhanced weapons storage location, as specified

in the licensee's physical security plan, or (2) turn over responsibility for the issued enhanced weapon to another on-shift security personnel authorized to use enhanced weapons as part of their official duties. (10 CFR 73.15(m)(8)(i) and (ii))

#### Specific Guidance

To inspect this requirement, the inspector(s) should review the licensee's physical security plan and implementing procedure to ensure the licensee has an established process in place to control enhanced weapon(s) upon the security personnel's completion of official duties. Additionally, the inspector(s) should conduct a sample of security officer post checks and query the security personnel as to where they store the enhanced weapon(s) when they have completed their official duties.

- f. Verify the licensee is in compliance with 10 CFR 73.17 firearms background checks for security personnel who transport enhanced weapons to or from the licensee's facility. (10 CFR 73.15(n)(4))

#### Specific Guidance

No inspection guidance.

- g. Verify the licensee receives prior written approval from the ATF, as required by [27 CFR Part 478](#) before interstate transportation of enhanced weapons. (10 CFR 73.15(n)(6))

#### Specific Guidance

No inspection guidance.

### 03.05 Inventories of Enhanced Weapons

- a. Verify that licensees conduct a monthly inventory to verify that the authorized quantity of enhanced weapons are present. (10 CFR 73.15(o)(2)(i))

#### Specific Guidance

No inspection guidance.

- b. Verify the licensee verifies the presence of each individual enhanced weapon during the performance of the monthly inventory. (10 CFR 73.15(o)(2)(ii))

#### Specific Guidance

Licensees that store enhanced weapons in a locked security weapons container (e.g., a ready-service arms locker) located within a protected area, vital area, or material access area may verify the presence of an intact tamper indicating device (TID) on the locked secure weapons container, instead of verifying the presence of each individual weapon in accordance with 10 CFR 73.15(o)(2)(iii). Additionally, licensees may elect to use electronic technology (e.g., barcodes on the weapons) in conducting inventories in accordance with 10 CFR 73.15(o)(2)(v).

- c. Verify that licensee's monthly inventories do not exceed 30 + 7 days from the previous monthly inventory. (10 CFR 73.15(o)(2)(vi))

### Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of the licensee's monthly inventory records and verify the inventory dates do not exceed 30 + 7 days from the previous inventories.

- d. Verify the licensee conducts an annual inventory to verify that each authorized enhanced weapon is present. This must be accomplished through the verification of the serial number of each enhanced weapon (10 CFR 73.15(o)(3)(i) and 10 CFR 73.15(o)(3)(ii)).

### Specific Guidance

To inspect this requirement, the inspector(s) should review the licensee's implementing procedures and verify that each enhanced weapon is inventoried through the verification of the serial number. The inspector(s) should inspect a sample of enhanced weapons and compare the inventory list to the serial number on the weapon. Note: The inspector(s) should coordinate this inspection activity with the appropriate licensee staff.

The inspector(s) should note the differences between monthly and annual enhanced weapons inventories. If the enhanced weapons are stored in a locked weapons container, the licensee must physically verify the serial number of each enhanced weapon for the annual inventory. The licensee may not use the presence of an intact TID on the locked weapons container in lieu of verifying the presence of each individual weapon.

- e. Verify that licensee's annual inventory does not exceed 365 + 7 days from the previous annual inventory. (10 CFR 73.15(o)(3)(iii))

### Specific Guidance

To inspect this requirement, the inspector(s) should review the last 3 years of annual enhanced weapon inventories and verify that the licensee has been conducting the inventories in accordance with regulatory requirements.

Note: In accordance with 10 CFR 73.15(o)(3)(iv), the licensee may substitute this annual inventory in lieu of conducting the normal monthly inventory for the month in which the annual inventory occurs.

- f. Verify the licensee uses a two-person team to conduct periodic inventories of enhanced weapons. The licensee may use a single individual provided that the individual is subject to the licensee's behavioral observation or human reliability program. (10 CFR 73.15(o)(4))

### Specific Guidance

To inspect this requirement, the inspector(s) should review the licensee's implementing procedures for how periodic inventories are conducted. Additionally, inspector(s) should review a sample of periodic inventory records and verify that if a single individual conducted the inventory that they are in the licensee's behavioral observation or human reliability program.

- g. Verify the licensee verifies the serial number for each of the enhanced weapons stored in a weapons container and inventories the contents if the weapons container was sealed with a TID and was subsequently opened. The inventoried weapons container must be relocked and resealed with a new TID and the new TID's serial number must be recorded in the periodic inventory records. The inventory must be conducted using either a two-person team or a single individual, provided the single individual is subject to the licensee's behavioral observation or human reliability program. If a single individual is used to conduct the inventory, verify that the individual is in the licensee's behavioral observation or human reliability program. (10 CFR 73.15(o)(6))

Specific Guidance

To inspect this requirement, the inspector(s) should review a sample of inventory records and verify after a TID is opened that the new TID's serial number is recorded on the periodic inventory records.

- h. Verify the licensee uses TIDs with unique serial numbers on locked secure weapons containers containing enhanced weapons. (10 CFR 73.15(o)(6)(i))

Specific Guidance

To inspect this requirement, the inspector(s) should sample secure weapons containers that contain enhanced weapons, the inspector(s) should ensure the licensee uses TIDs with unique serial numbers.

- i. Verify the licensee stores unused TIDs in a manner similar to other security access control devices (e.g., keys, locks cores, etc.) (10 CFR 73.15(o)(6)(ii))

Specific Guidance

No inspection guidance.

- j. Verify the licensee maintains a log of issued TID serial numbers. (10 CFR 73.15(o)(6)(ii))

Specific Guidance

No inspection guidance.

- k. Verify the licensee resolves any discrepancies identified during periodic inventories within 24 hours of their identification. (10 CFR 73.15(o)(7))

Specific Guidance

If the licensee cannot resolve any discrepancies within 24 hours, the discrepancy must be treated as a stolen or lost enhanced weapon and notifications must be made in accordance with [10 CFR 73.1200](#) and [27 CFR Part 479](#).

- l. Verify the licensee includes, in the periodic inventory, enhanced weapons that are offsite for authorized purposes, in accordance with 10 CFR 73.15(m) and (n). (10 CFR 73.15(o)(8))

### Specific Guidance

The licensee must document the absence of these weapon(s) from the licensee's facility in the report of the results of a completed periodic enhanced weapons inventory.

#### 03.06 Stolen or Lost Weapons

- a. Verify the licensee notifies the NRC, local law enforcement, and the ATF if an enhanced weapon is discovered lost or stolen in accordance with [10 CFR 73.1200](#) and [27 CFR Part 479](#). (10 CFR 73.15(p)(1) and (2))

### Specific Guidance

No inspection guidance.

#### 03.07 Records Requirements

- a. Verify the licensee maintains the following minimum records regarding the receipt of each enhanced weapon (10 CFR 73.15(q)(2)(i) – (iv)):
  1. date of receipt of the weapon;
  2. name and address of the transferor who transferred the weapon to the licensee;
  3. name of the manufacturer of the weapon, or the name of the importer (for weapons manufactured outside of the U.S.); and
  4. serial number, type, and caliber or gauge of the weapon.

### Specific Guidance

No inspection guidance.

- b. Verify the licensee maintains the following minimum records regarding the transfer of each enhanced weapon (10 CFR 73.15(q)(3)(i) – (iii)):
  1. date of shipment of the weapon;
  2. name and address of the transferee who received the weapon; and
  3. serial number, type, and caliber or gauge of the weapon.

### Specific Guidance

No inspection guidance.

- c. Verify the licensee maintains the following minimum records regarding the transportation of each enhanced weapon away from the licensee's facility (10 CFR 73.15(q)(4)(i) – (vii)):
  1. date of departure of the weapon;
  2. date of return of the weapon;

3. purpose of the weapon's removal from the facility;
4. name(s) of the security personnel transporting the weapon;
5. name(s) of the licensee employee accompanying and directing the transportation, where the security personnel transporting the weapons are employees of a security contractor providing security services to the licensee;
6. name of the person/facility to whom the weapon is being transported; and
7. serial number, type, and caliber or gauge of the weapon.

Specific Guidance

No inspection guidance.

- d. Verify the licensee documents the discovery of any lost or stolen enhanced weapon(s). (10 CFR 73.15(q)(5))

Specific Guidance

No inspection guidance.

- e. Verify the licensee maintains records relating to the inventories of enhanced weapons for a period of up to 1 year after the licensee's authority to possess enhanced weapons is terminated, suspended, or revoked and all enhanced weapons have been transferred from the licensee's facility. (10 CFR 73.15(q)(6))

Specific Guidance

Licensees may integrate any records required by this section with records maintained by the licensee pursuant to the ATF's regulations.

- f. Verify the licensee retains the periodic inventories of enhanced weapons. 10 CFR 73.15(o)(5))

Specific Guidance

No inspection guidance.

#### 71130.07EW-04      RESOURCE ESTIMATE

The resource estimate for the completion of this procedure consists of approximately 6 hours for the inspection of the minimum range of inspection requirements, approximately 8 hours for the inspection of the nominal range of inspection requirements, and 10 hours for inspection of the maximum range of inspection requirements. The sample size for this procedure is one.

#### 71130.07EW-05      PROCEDURE COMPLETION

The inspection of the minimum number of inspection requirements will constitute completion of this procedure. The total number of (15) inspection requirements constitute the minimum

number of inspection requirements for completion of this procedure. The inspection requirement ranges for completion is as follows: minimum range 15 inspection requirements, and nominal range 25 inspection requirements. The inspection of the nominal range of inspection requirements within this procedure is the target range for this sample and should be completed to the extent practicable.

For the first inspection at an NRC-licensed facility the inspector(s) must complete all 34 inspection requirements. During subsequent inspections, the inspector(s) can inspect to the nominal range of inspection requirements. For procedure completion, at a minimum the inspector(s) shall complete elements 03.02 (a) – (d) and 03.05 (a) – (l).

The frequency at which this inspection activity is to be conducted is biennially (once every 2 years).

#### 71130.07EW-06 REFERENCES

NUREG-2264, "Weapons Safety Assessment," Volumes 1 – 4, March 2023

Regulatory Guide 5.86, "Preemption Authority, Enhanced Weapons Authority, and Firearms Background Checks," Revision 0, March 2023

END

Attachment 1: Revision History for IP 71130.07EW

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional Non-Public Information)
N/A	ML23307A071 01/02/24 CN 24-001	Initial issuance. CA Note- Dated 12/20/23, "CA Note New Baseline Security Inspection Procedure IP 71130 EW, Enhanced Weapons and Preemption Authority." (ML23307A071)		ML23023A225