

July 9, 2015

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-15-0036 – SUPPLEMENTAL
PROPOSED RULE: ENHANCED WEAPONS, FIREARMS
BACKGROUND CHECKS, AND SECURITY EVENT
NOTIFICATIONS (10 CFR PART 73; RIN-3150-AI49)

The Commission has approved publication of the supplemental proposed rule in the *Federal Register*, subject to the attached edits, and has certified that this supplemental proposed rule, if issued in final form, would not have a significant economic impact on a substantial number of small entities.

Conforming changes should be made to the *Federal Register* notice, Regulatory Analysis, and associated guidance documents to reflect edits in the enclosure.

The staff should consider whether additional clarifications are needed in guidance on the point in paragraph (e)(3)(iii) on page 44.

Enclosure: Changes to the *Federal Register* Notice in SECY-15-0036

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* notice in SECY-15-0036

1. On pages 6 through 9, under “Background,” replace the Roman numeral section numbers with capital letters.
2. On page 6, 1st full paragraph, revise line 7 to read ‘ ... these actions (preemption authority). Additionally, Section 161A authorized the Commission to permit the security personnel of licensees and certificate holders to obtain enhanced weapons, such as machine guns, short-barreled shotguns, and short-barreled rifles (enhanced weapons).’
3. On page 8, 1st full paragraph, revise line 2 to read ‘ ... facilities (i.e., this would include including both operating and decommissioning power reactors)’
4. On page 8, last paragraph, revise line 3 to read ‘ ... (76 FR 6200;),’
5. On page 8, last paragraph, delete the comma in line 5.
6. On page 9, last paragraph, revise line 2 to read ‘ ... at-reactor ISFSIs facilities as’
7. On page 11, 2nd full paragraph, revise line 7 to read ‘ ... “standard weapon,” and’
8. On page 11, 2nd full paragraph, revise line 8 to read ‘ ... definitions of “covered weapons” and “enhanced weapons.” There’
9. On page 11, 3rd line from the bottom, delete the comma after “proposed rule,”
10. On page 12, 6th bullet, revise line 2 to read ‘ ... requirements for completing firearms background checks specified’
11. On page 12, 6th bullet, revise line 3 to read ‘ ... of the proposed required 30-day’
12. On page 12, 7th bullet, revise line 2 to read ‘ ... definitions of “covered weapon” and “enhanced weapon,” per’
13. On page 12, last bullet, revise lines 1 and 2 to read ‘ ... definitions of “combined enhanced weapons authority and preemption authority,” “covered weapons,” and “stand-alone preemption authority” as’
14. On page 13, 2nd full paragraph, revise line 4 to read ‘ ... developing these confirmatory’
15. On page 13, 2nd full paragraph, revise line 4 to read ‘ ... orders for to those’
16. On page 13, 2nd full paragraph, revise line 5 to read ‘ ... authority, and comments received in response to prior versions of this proposed rule. Furthermore, to’
17. On page 13, 2nd full paragraph, revise lines 5 and 6 to read ‘ ... also make equivalent corresponding’
18. On page 14, 1st full paragraph, revise line 1 to read ‘ ... Commission’s would rescind its designation’

19. On page 14, 1st full paragraph, revise line 2 to read ‘ ... final rule ~~would end~~ once’
20. On page 14, 1st full paragraph, delete the sentence in lines 4 through 6 (After the final ... orders.)
21. On page 14, before the last paragraph, insert a new heading as follows: *Public Comments*.
22. On page 15, last paragraph, revise line 6 to read ‘ ... ~~their~~ **its** purpose and reasons for requesting this authority, and a description of ~~their~~ **its** Firearms’
23. On page 15, last paragraph, revise line 6 to read ‘ ... ~~purposes~~ **and objectives** reasons for’
24. On page 15, last paragraph, revise line 9 to read ‘ ... personnel, **whose official duties require access to covered weapons,** of’
25. On page 15, last paragraph, revise line 10 to read ‘ ... authority, and’
26. On page 15, last paragraph, revise line 10 to read ‘ ... authority, ~~and whose official duties require access to covered weapons.~~ Licensees’
27. On page 16, revise line 1 from the top to read ‘ ... writing, and’
28. On page 16, 1st full paragraph, revise line 6 to read ‘ ... meet ~~their~~ **its** applicable’
29. On page 16, 3rd full paragraph, revise line 1 to read ‘ ... holders ~~must~~ **cannot** commence firearms background checks **until** ~~only after~~’
30. On page 16, last paragraph, revise line 2 to read ‘ ... who ~~se~~ choose’
31. On page 16, last paragraph, line 3, delete the hyphen in “enhanced-weapons.”
32. On page 16, last paragraph, revise line 5 to read ‘ ... authority, ~~their~~ **its** purpose’
33. On page 16, last paragraph, revise lines 5 and 6 to read ‘ ... ~~purposes~~ **and reasons objectives** for’
34. On page 16, last paragraph, revise line 6 to read ‘ ... of ~~their~~ **its** proposed’
35. On page 17, revise line 2 from the top to read ‘ ... event; ~~†~~ **†**The application’
36. On page 17, 1st full paragraph, revise line 3 to read ‘ ... require access to **covered weapons, which includes** enhanced’
37. On page 17, 1st full paragraph, line 5, delete the hyphen in “enhanced-weapons.”
38. On page 17, 1st full paragraph, revise line 8 to read ‘ ... apply (i.e., 10’
39. On page 17, last paragraph, revise line 2 to read ‘ ... weapons ~~requested by~~ **that** the licensee or certificate holder **intends to use.**’

40. On page 18, revise line 1 to read: ‘... the term “completion” means...’
41. On page 18, 1st full paragraph, revise lines 5 and 6 to read ‘... support ~~their~~ **its** original application; rather they **licensee or certificate holder** would only need to state in ~~their~~ **its** application for enhanced weapons authority that ~~they were~~ **it was** previously ...’
42. On page 19, 1st full paragraph, revise line 5 to read ‘... train ~~their~~ **its** security’
43. On page 19, 1st full paragraph, revise lines 9 and 10 to read ‘... facilities (i.e., **such that** the security personnel are considered fungible between these two facilities).’
44. On page 20, revise line 2 from the top to read ‘... would ~~take action to~~ rescind’
45. On page 20, 1st full paragraph, line 8, delete the hyphen in “enhanced-weapons.”
46. On page 20, last paragraph, revise line 4 to read ‘... weapons; and’
47. On page 21, revise line 12 from the top to read ‘... two ~~criteria~~ **steps** may’
48. On page 21, 1st full paragraph, revise line 3 to read ‘... orders issued’
49. On page 21, last paragraph, in line 2 remove the hyphens in “break in service.”
50. On page 21, last paragraph, revise line 4 to read ‘... check; for security personnel **who** ~~that~~ experience’
51. On page 22, in lines 1, 2, and 3 from the top remove the hyphens in “break in service.”
52. On page 22, 1st full paragraph, in line 5, remove the hyphens in “break in service.”
53. On page 22, 1st full paragraph, revise line 7 to read ‘... ~~they~~ **it** ~~withdraws~~ **their** **its** application’
54. On page 22, 1st full paragraph, revise line 9 to read ‘... revokes ~~their~~ **its** Section’
55. On page 22, last paragraph, revise lines 1 and 2 to read ‘... checks **to** be completed at least once every 5 calendar years. This change **would make the proposed rule** is consistent’
56. On page 23, revise line 15 from the top to read ‘... (i.e., ~~less~~ **more frequently** than’
57. On page 23, last paragraph, revise lines 3 through 5 to read ‘... exception ~~would occur~~ following **is intended to encourage** the prompt notification by the security personnel to **notify** the licensee’s or certificate holder’s security management of the occurrence of a disqualifying status condition or disqualifying event **within 72 hours**. **If the security personnel make the notification, then the licensee or certificate holder is not required to notify the NRC within 72 hours of the security personnel’s removal.** However, in’
58. On page 24, 2nd full paragraph, revise lines 5 and 6 to read ‘... events ~~to provide~~ **personnel familiarity with these disqualifying status conditions or events**, the process’

59. On page 24, 2nd full paragraph, revise line 12 to read ‘ ... required ~~at an annual frequency~~ **annually.**’
60. On page 24, last paragraph, revise lines 1 and 2 to read ‘ ... individuals (who are appealing a firearms background check) should’
61. On page 24, last paragraph, revise lines 2 and 3 to read ‘ ... time ~~(i.e., regarding~~ **with respect to** the 45-day timeliness requirement on submitting an appeal) to their’
62. On page 24, last paragraph, revise line 3 to read ‘ ... holder; ~~;~~’
63. On page 25, 1st full paragraph, revise line 12 to read ‘ ... would ~~take action to~~’
64. On page 25, last paragraph, revise line 2 to read ‘ ... licensed,’
65. On page 25, last paragraph, revise line 2 to read ‘ ... possess ~~enhanced~~ **covered**’
66. On page 25, last paragraph, revise line 4 to read ‘ ... employing ~~enhanced~~ **covered** weapons’
67. On page 26, revise line 1 from the top to read ‘ ... licensed’
68. On page 26, revise line 1 from the top to read ‘ ... employing ~~enhanced~~ **covered** weapons’
69. On page 26, revise lines 2 and 3 from the top to read ‘ ... organization ~~(i.e.,~~ **such that** the security personnel are considered fungible between these two facilities).’
70. On page 26, revise line 4 from the top to read ‘ ... carrying ~~enhanced~~ **covered** weapons’
71. On page 26, 1st full paragraph, revise line 1 to read ‘ ... licensees **may** face’
72. On page 28, last paragraph, revise line 1 to read ‘ ... contains **the following:**’
73. On page 28, last paragraph, revise line 3 to read ‘ ... rule, and’
74. On page 28, last paragraph, revise line 4 to read ‘ ... rule ~~and~~ **or** the’
75. On page 29, revise line 5 from the top to read ‘ ... Part 52, ~~and~~ **the**’
76. On page 30, revise line 2 from the top to read ‘ ... statement ~~is~~ **was** not’
77. On page 30, revise line 2 from the top to read ‘ ... required. **Instead, the agency prepared a draft environmental assessment on the proposed rule for public comment.**’
78. On page 32, revise line 2 to read ‘ ... different ~~sections~~ **paragraphs** of **section** 73.71’
79. On page 32, last paragraph, revise line 6 to read ‘ ... checks **would be required** for’
80. On page 33, revise line 2 from the top to read ‘ ... authority ~~must~~ **would be required to** describe’

81. On page 33, revise line 5 from the top to read ‘ ... authority ~~would be required~~ to’
82. On page 33, 1st full paragraph, revise line 1 to read ‘ ... ~~also included requirements that would~~’
83. On page 33, 1st full paragraph, revise line 2 to read ‘ ... different ~~sections~~ paragraphs of ~~section~~ 73.71.’
84. On page 33, revise line 5 from the bottom to read: ‘...SNF ~~spent nuclear fuel~~, HLW ~~high-level radioactive waste~~...’
85. On page 35, last paragraph, revise line 4 to read: ‘...are ~~already~~ discussed...’
86. On page 39, add the Designation Order to the document table.
87. On page 41, 1st full paragraph, revise line 4 to read: ‘...categories of ~~enhanced~~ covered weapons...’
88. On page 42, 1st paragraph, revise line 4 to read: ‘...weapons ~~other than enhanced weapons~~, notwithstanding...’
89. On page 42, item (2), revise line 1 to read: ‘...certificate holders ~~who desire to applying~~ for...’
90. On page 43, 1st paragraph (iii), revise line 4 to read: ‘...protective strategy; or whether...’
91. On page 44, lines 1, 4, 6, 10, and 15, delete the hyphen in “enhanced~~-~~weapons authority”
92. On page 44, paragraph (e)(2) revise line 1 to read: ‘...holders ~~who desire to applying~~ for...’
93. On page 44, paragraph (e)(3)(iii) revise lines 3 and 4 to read: ‘...these ~~enhanced~~ covered weapons...’
94. On page 45, line 2, delete the hyphen in “enhanced~~-~~weapons authority.”
95. On page 45, paragraph (5)(i), revise lines 2 and 3 to read: ‘ ... certificate holder’s ~~applicable~~ security-personnel minimum staffing ~~requirements as specified in its physical security plan~~ and ~~any applicable~~ fatigue requirements ~~under part 26 of this chapter~~.’ The staff should make conforming changes to the Statements of Consideration (page 16), and rule text § 73.18(d)(4)(i) (page 43).
96. On page 46, revise 1st line to read: ‘...submit ~~their~~ ~~its~~ application...’
97. On page 49, paragraph (3)(ii), in line 1, remove the hyphens in “break in service.”
98. On page 51, paragraph (ii) revise last line to read: ‘...compliance ~~(as requiring protection under a security program)~~.
99. On page 51, renumber subsection “(9)” to “(8)” and make conforming changes to the following subsections and the Statements of Consideration and draft guide.

100. On page 51, the second paragraph (i), revise line 2 to read: ‘...access to ~~enhanced~~ **covered** weapons...’
101. On page 52, revise line 2 to read: ‘...approved ~~their~~ **its** application...’
102. On page 52 paragraph(11)(i) revise lines 3-4 to read: ‘...5 calendar years of the ~~month of an initial, or the most recent,~~ **satisfactory** firearms background check, ~~whichever is later.~~’
103. On page 52 last line to page 53 1st line, revise to read: ‘...5 calendar years of the ~~month of an initial, or the most recent,~~ **satisfactory** firearms background check ~~accomplished under a confirmatory order, whichever is later.~~’
104. On page 53, revise line 4 to read: ‘...specified in paragraph ~~(e)~~ **(f)** of this section.’
105. On page 53, lines 5, 7, 13 and 18, remove the hyphens in “break in service”
106. On page 53, line 7 and 11, remove the commas after ‘background check,’
107. On page 53, revise line 9 to read: ‘...week, ~~;~~ **or**’
108. On page 53, revise line 14 to read: ‘...contractor, ~~;~~ **and** notwithstanding’
109. On page 53, revise line 2 from bottom to read: ‘...12 months, ~~;~~ **Provided**...’
110. On page 54, revise line 4 to read: ‘...licensee ~~s,~~ **or** certificate holder ~~s,~~ ownership...’
111. On page 54, line 5, delete the comma after ‘property,’
112. On page 54, lines 7 and 19, remove the hyphens in “break in service”
113. On page 54 revise line 7 to read: ‘...check ~~required by this section~~ for...’
114. On page 54, line 2 from the bottom, delete the commas after ‘authority,’ and ‘NRC,’
115. On page 55, paragraph (2), line 2, delete the semicolon after ‘background check;’
116. On page 55, paragraph (2), revise line 3 to read: ‘...midnight ~~(i.e., 23:59 local time)~~...’
117. On page 55, paragraph (3), line 4, delete the comma after “covered weapons,”
118. On page 55, paragraph (g), line 3, delete the comma after “covered weapons,”
119. On page 56, line 1, delete the comma after “not applicable,”
120. On page 56, revise line 1 to read: ‘...The ~~requirement to notify the NRC by telephone is not applicable,~~ **licensee or certificate holder is not required to notify the NRC** if...’
121. On page 56, paragraph (h)(1), revise lines 2 to 4 to read: ‘...within 72 hours of ~~the~~ **identification or** occurrence ~~of the existence~~ of any Federal or State disqualifying status condition or ~~upon the occurrence of any disqualifying events~~ that would prohibit...’ The staff should make corresponding changes to each area in the FRN that this language occurs.

122. On page 55, paragraph (2)(i) line 2, delete the comma after “and (n);”
123. On page 57, paragraph (p)(1) lines 1 and 2, delete the commas after “personnel;” and “response;”
124. On page 57, paragraph (p)(1)(ii), revise to read: ‘...providing **to the FBI** and evaluating any necessary additional information ~~to the FBI~~ to resolve...
125. On page 57, revise the last two lines to read: ‘...within 45 calendar days of the **after** the date ~~the NRC forwards the results of the firearms background check to~~ the licensee or certificate holder **notifies the individual of the adverse response.**’
126. On page 59, line 2, delete the comma after “authority;”
127. On page 59, paragraph (3), line 2, delete the commas after “material;” and “order;”
128. On page 60, paragraph (f), lines 1 and 3, revise to read: ‘...~~enhanced~~ **covered** weapons...’