

October 19, 2010

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS – SECY-10-0085 – PROPOSED RULE:  
ENHANCED WEAPONS, FIREARMS BACKGROUND CHECKS  
AND SECURITY EVENT NOTIFICATIONS (RIN: 3150-AI49)

The Commission has approved publication of the proposed rule in the *Federal Register* under the Secretary's signature for a 90-day public comment period, subject to the corrections noted in the attachment. The Commission approved publication of the two draft implementing guidance documents simultaneously with the proposed rule. The Commission, having reviewed and approved the proposed rule, did not agree to delegate authority to the Executive Director for Operations (EDO) to issue the new cyber security notification changes in the proposed rule.

(EDO) (SECY Suspense: 12/20/10)

It is very important that the proposed rule clearly articulate which provisions apply to which classes of licensees. For example, the summary paragraphs of the FRN explicitly state that the enhanced weapons and firearms background check provisions only apply to nuclear power reactor facilities and Category I strategic special nuclear material facilities. But when describing the security event notification provisions, it is not clear that these requirements would impact a broader class of licensees, such as research and test reactors and independent spent fuel storage installations.

The staff should ensure that the associated guidance documents articulate plainly the agency's expectations, particularly with respect to identifying the classes of licensees to which particular requirements apply.

Attachment: Changes to the *Federal Register* notice in SECY-10-0085

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

Changes to the *Federal Register* Notice in SECY-10-0085

1. On page 3, 2<sup>nd</sup> full paragraph, line 3, delete the period after the e-mail address.
2. On page 3, delete the periods at the end of items VI., VII., and VIII.
3. On page 6, revise lines 7 and 8 from the top to read ‘ ... certificate holders, ~~certain licensees and certificate holders, certain licensees and certificate holders, certain licensees and certificate holders,~~ after obtaining ....’
4. On page 21, paragraph 9., revise line 7 to read ‘ ... regulations. Federal firearms ....’
5. On page 23, paragraph 11., revise line 6 to read ‘ ... in issue 9 ....’
6. On page 23, last paragraph, revise line 4 to read ‘ ... the manufacturer or ....’
7. On page 30, revise line 4 from the top to read ‘ ... that was recently revised ....’ Revise line 5 to read ‘ ... 754 to require only require the ....’
8. On page 31, paragraph F., revise line 9 to read ‘ ... definitions would will also ....’ Revise line 10 to read ‘ ... requirements that will occur in a ....’
9. On page 36, revise line 4 from the top to read ‘ ... 6-month ....’
10. On page 37, paragraph A., revise lines 1 and 2 to read ‘ ... checks appropriate?’
11. On page 37, paragraph B., revise line 2 to read ‘ ... checks appropriate, keeping ....’
12. On page 41, next to last paragraph, revise the last line to read ‘ ... manufacturer or ....’
13. On page 42, 2<sup>nd</sup> full paragraph, revise line 3 to read ‘ ... FBI, and ATF staffs, worked ....’
14. On page 43, 2<sup>nd</sup> full paragraph, revise line 5 to read ‘ ... increase its their defensive ....’
15. On page 43, last paragraph, revise lines 2 and 3 to read ‘ ... weapons is are appropriate in ....’
16. On page 45, in the *Comment C.1 Response*, revise line 5 to read ‘ ... 2007), which ....’ Revise line 9 to read ‘ ... can be both active or ....’
17. On page 45, in *Comment C.2*, revise line 2 to read ‘ ... part of a licensee’s or ....’
18. On page 62, next to last paragraph, revise line 2 to read ‘ ... event log” in §73.71(f) meant.’ Revise line 5 to read ‘ ... Appendix G A to ....’
19. On page 62, last paragraph, revise line 4 to read ‘ ... paragraph IV(e) in Appendix G III(b)....’
20. On page 63, 1st full paragraph, revise line 1 to read ‘ ... events paragraph in the ....’

21. On page 63, last paragraph, revise line 2 to read ‘ ... same event **are** is redundant ....’
22. On page 67, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs should be combined to read ‘ ... Form 754, “Armed Security ....’
23. On page 67, paragraph B, revise line 8 to read ‘ ... *nuclear fuel, spent fuel (SNF)* ....’ Delete the sentence in lines 9 through 11 (The definitions for ... 2008 (73 FR 17179).)
24. On page 72, 2<sup>nd</sup> full paragraph, revise line 10 to read ‘ ... and/or **an** SOT ....’
25. On page 74, revise line 1 from the top to read ‘ ... licensee’s and certificate holder’s to assist ....’
26. On page 74, last paragraph, revise line 1 to read ‘ ... inventories. **First, A a** monthly ....’
27. On page 76, revise line 2 from the top to read ‘ ... criteria **for** revocation ....’
28. On page 81, revise line 3 from the top to read ‘ ... with **an** access ....’
29. On page 82, 1st full paragraph, move the 2<sup>nd</sup> sentence up to follow the 1<sup>st</sup> sentence.
30. On page 82, last paragraph, revise the next to last line 1 to read ‘ ... a licensee **e** or ....’
31. On page 84, paragraph H., move the last sentence up to follow the colon.
32. On page 84, last paragraph, revise line 11 to read ‘ ... in **its** ~~their~~ security ....’
33. On page 85, move the 3<sup>rd</sup> and 4<sup>th</sup> sentences up to follow the preceding sentences.
34. On page 103, paragraph 3., revise line 1 to read ‘ ... parties **that** ~~which~~ would ....’
35. On page 107, 1st full paragraph, revise line 7 to read ‘ ... reactors. **At As** ....’ Revise line 9 to read ‘ ... 54 **at** ~~as~~ a ....’
36. On page 109, last paragraph, revise line 2 to read ‘ ... Decommission**ing** Reactors ....’
37. On page 115, last paragraph, revise line 5 to read ‘ ... weapons **are** is ....’
38. On page 116, 4<sup>th</sup> full paragraph, revise line 2 to insert a space between ‘47.4’ and ‘million.’
39. On page 117, revise lines 5 and 6 from the top to read ‘ ... of the AEA ~~this statute~~, the NRC ....’
40. On page 117, 1st full paragraph, revise line 4 to read ‘ ... rule **is** are ....’ Revise line 7 to read ‘ ... inquires on **security event** ~~enhanced weapons~~ issues ....’
41. On page 118, last paragraph, the staff should address the broader applicability of the security event notifications provisions.
42. On page 120, 1st full paragraph under List of Subjects, move the last part of the sentence up to follow the first part of the sentence.

43. On page 128, paragraph (6), revise line 1 to read ‘ ... holder’s application for ....’
44. On page 130, paragraph (g), revise line 4 to read ‘ ... manufacturer or ....’
45. On page 133, paragraph (i), revise line 2 to read ‘ ... manufacturer for ....’
46. On page 134, paragraph (7), revise line 3 to read ‘ ... of its their ....’
47. On page 134, delete the extra space above paragraph (8).
48. On page 135, paragraph (o), revise line 3 to read ‘ ... verify the their ....’
49. On page 136, paragraph (3), revise line 2 to read ‘ ... of its their enhanced ....’
50. On page 136, paragraph (4), revise line 2 to read ‘ ... of its their enhanced ....’
51. On page 137, indent paragraph (5).
52. On page 138, paragraph (iii), revise line 1 to read ‘ ... the manufacturer of the ....’
53. On page 141, paragraph (6), revise line 5 to read ‘ ... that which would warrant ....’
54. On page 142, paragraph (b)(1), revise line 4 to read ‘ ... requiring; ....’
55. On page 146, paragraph (3), ensure terminology is consistent with that used on page 11.
56. On page 149, paragraph (m), revise the last line to read ‘ ... Regulatory Commission.”  
Combined ....’
57. On page 150, the footnote in line 3 from the top does not match the footnote number at the bottom of the page.
58. On page 150, paragraph (o), revise line 3 to read ‘ ... State agency.’
59. On page 152, paragraph (ii), revise line 4 to read ‘ ... FBI’s response request is ....’
60. On page 153, paragraph (8), delete the extra period at the end.
61. On page 156, paragraph (1), revise line 2 to read ‘ ... reactors or ....’
62. On page 157, paragraph (1), revise line 1 to read ‘ ... of an actual or attempted acts of sabotage ....’
63. On page 160, revise line 1 from the top to read ‘ ... written procedures.’
64. On page 164, paragraph (9), revise line 1 to read ‘ ... information that which becomes ....’
65. On page 165, paragraph (14), revise line 2 to read ‘ ... handled, and ....’
66. On page 169, paragraph (b)(4), revise line 3 to read ‘ ... the fresh special nuclear material fuel, spent ....’

67. On page 169, paragraph (c)(4), revise line 3 to read ‘ ... the fresh **special** nuclear **material** fuel, spent ....’
68. On page 173, paragraph (2), revise line 2 to read ‘ ... systems, networks, or ....’
69. On page 173, paragraph (d)(2), revise line 1 to read ‘ ... facility ~~which~~ **that** could ....’
70. On page 176, revise the next to last line to read ‘**Annette Vietti-Cook**, R. W. Borchardt,’  
Revise the last line to read ‘**Secretary** ~~Executive Director for Operations~~’