NONSUBSTANTIVE CHANGE REQUEST

FOR

10 CFR PART 73

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

(3150-0002)

The U.S. Nuclear Regulatory Commission (NRC) regulations in 10 CFR Part 73 prescribe requirements for the establishment and maintenance of a system for physical protection of special nuclear material (SNM) and spent nuclear fuel (SNF) at fixed sites, of SNM and SNF in transit, and of plants in which SNM is utilized. The regulations are issued pursuant to the *Atomic Energy Act of 1954*, as amended (AEA), and Title II of the *Energy Reorganization Act of 1974*, as amended. The regulations in 10 CFR Part 73 contain reporting and recordkeeping requirements which are necessary to help ensure that an adequate level of protection is provided for NRC licensed facilities and activities.

On March 14, 2023 (88 FR 15864), the NRC published a final rule “Enhanced Weapons, Firearms Background Checks, and Security Event Notifications.” This final rule was preapproved by OMB on October 18, 2022. It was submitted under temporary clearance number 3150-0253 because the clearance for Part 73 (3150-0002) was blocked by another submission. The purpose of this nonsubstantive change request is to transfer the burden from temporary clearance number 3150-0254 to the appropriate Part 73 clearance number, 3150-0002. After approval of this nonsubstantive change request, clearance 3150-0253 will be discontinued.

The final rule implemented the NRC’s authority under Section 161A of the AEA. This permits NRC licensees to voluntarily apply for stand-alone preemption authority or combined preemption authority and enhanced weapons authority. These implementing regulations would apply to nuclear power reactor facilities, independent spent fuel storage installations (ISFSIs), shipments of SNF, and Category I strategic special nuclear material (SSNM) facilities. In addition, the rule revised existing regulations to provide for consistency of mandatory physical security event notification requirements from different classes of facilities and from the transportation of radioactive material. Existing mandatory physical security event notification requirements were modified to add requirements for two new types of events: stolen or lost enhanced weapons and actual or imminent hostile actions. Finally, the rule established new requirements for licensees to report suspicious activities to local law enforcement agencies (LLEA), the Federal Bureau of Investigation (FBI), the NRC, and the Federal Aviation Administration (FAA) (for suspicious activities involving aircraft).

The burden for Part 73 (3150-0002) has been updated as follows:





Note that 7 recordkeeping responses were not transferred from 3150-0253. These recordkeepers are already counted as responses in the existing Part 73 clearance; transferring them would result in double-counting.

Finally, $320 in additional costs have been transferred from 3150-0253 to 3150-0002, increasing the overall additional costs from $552,969 to $553,289.