

September 10, 2009

The Honorable Barbara Boxer
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Madam Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (Commission or NRC), I am writing to let you know about actions the Commission is planning to take. The Commission is in the process of issuing firearms guidelines implementing the provisions of new Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. § 2201a). Subsection d of Section 161A requires the Commission to issue, with the approval of the U.S. Attorney General, firearms guidelines that will carry out the purposes of Section 161A. The Commission is publishing the enclosed firearms guidelines in the *Federal Register* within the next few days, whereupon the statute will take effect.

Section 161A (added to the AEA under the Energy Policy Act of 2005) confers upon the Commission new authority to authorize a licensee's or certificate holder's security personnel to possess and use enhanced weapons (e.g., machineguns), notwithstanding State, local, and certain Federal firearms laws and regulations. NRC staff and U.S. Department of Justice staff, including the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, developed the enclosed firearms guidelines.

In order to expeditiously implement this new authority, in parallel with the development of the firearms guidelines, the Commission developed and published a proposed rule in October 2006. Development of the firearms guidelines required the resolution of many complex issues. The subsequent resolution of these complex issues resulted in significant changes to the final version of the firearms guidelines. Accordingly, the Commission determined that the public and stakeholders should have an additional opportunity to comment on the proposed rule. Therefore, the Commission intends to publish a supplemental proposed rule shortly after the publication of the firearms guidelines.

The NRC staff has met with industry representatives to discuss implementation issues associated with this new authority. The NRC has also developed and issued a generic communication to affected licensees and certificate holders to facilitate advance planning by these licensees, certificate holders, and their security personnel who will be impacted by these new requirements. Finally, given the potential impacts to State and local firearms regulations by this new authority, the NRC is providing a copy of the firearms guidelines, in advance of their publication in the *Federal Register*, to the Governors of States, Commonwealths, and Territories and to the Mayor of the District of Columbia.

B. Boxer

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If you have any questions on this matter, please contact me at (301) 415-1776.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator James M. Inhofe

September 10, 2009

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (Commission or NRC), I am writing to let you know about actions the Commission is planning to take. The Commission is in the process of issuing firearms guidelines implementing the provisions of new Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. § 2201a). Subsection d of Section 161A requires the Commission to issue, with the approval of the U.S. Attorney General, firearms guidelines that will carry out the purposes of Section 161A. The Commission is publishing the enclosed firearms guidelines in the *Federal Register* within the next few days, whereupon the statute will take effect.

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T. Carper

-2-

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator David Vitter

September 10, 2009

The Honorable Henry A. Waxman
Chairman, Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (Commission or NRC), I am writing to let you know about actions the Commission is planning to take. The Commission is in the process of issuing firearms guidelines implementing the provisions of new Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. § 2201a). Subsection d of Section 161A requires the Commission to issue, with the approval of the U.S. Attorney General, firearms guidelines that will carry out the purposes of Section 161A. The Commission is publishing the enclosed firearms guidelines in the *Federal Register* within the next few days, whereupon the statute will take effect.

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H. Waxman

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

September 10, 2009

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (Commission or NRC), I am writing to let you know about actions the Commission is planning to take. The Commission is in the process of issuing firearms guidelines implementing the provisions of new Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954 (AEA) (42 U.S.C. § 2201a). Subsection d of Section 161A requires the Commission to issue, with the approval of the U.S. Attorney General, firearms guidelines that will carry out the purposes of Section 161A. The Commission is publishing the enclosed firearms guidelines in the *Federal Register* within the next few days, whereupon the statute will take effect.

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E. Markey

-2-

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Sincerely,

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Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

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Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator James M. Inhofe

Identical letters sent to: Senator Barbara Boxer, cc: Senator James M. Inhofe
Senator Thomas R. Carper, cc: Senator David Vitter
Representative Henry A. Waxman, cc: Representative Joe Barton
Representative Edward J. Markey, cc: Representative Fred Upton

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