[7590-01-P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73
RIN 3150-AI49
[NRC-2011-0015]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Draft Regulatory Guide.

SUMMARY: The U.S. Nuclear Regulatory Commission (Commission or NRC) is issuing for public comment Draft Regulatory Guide, DG-5020, "Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR Part 73." The DG-5020 is a proposed new regulatory guide. This guide describes methods that the staff or NRC considers acceptable for licensees and certificate holders to comply with the Commission's regulations implementing the provisions of Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), that are found in the proposed Title 10 of the *Code of Federal Regulations* (10 CFR) 73.18, "Authorization for use of Enhanced Weapons and Preemption of Firearms Laws," and 10 CFR 73.19, "Firearms Background Checks for Armed Security Personnel."

DATES: Submit comments on Draft Regulatory Guide, DG-5020, **(insert 90 days after date of publication in the *Federal Register*)**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID: **NRC-2011-0015** in the subject line of your comments. Comments submitted

in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site at *http://www.regulations.gov*. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

To ensure efficient and complete comment resolution, you should reference the section and page numbers of DG-5020 to which the comment applies.

Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID: **NRC-2011-0015**. Address questions about NRC dockets to Carol Gallagher, telephone: 301-492-3668; e-mail: *Carol.Gallagher@nrc.gov.*

Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446.

You can access publicly available documents related to this document using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public

documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to *pdr.resource@nrc.gov*. The DG-5020 is available electronically under ADAMS Accession Number ML100321956. In addition, electronic copies of DG-5020 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*.

Federal rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching for documents filed under Docket ID: **NRC-2011-0015**.

FOR FURTHER INFORMATION CONTACT: Philip G. Brochman, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6557; e-mail: *Philip.Brochman@nrc.gov*.

SUPPLEMENTARY INFORMATION:

The NRC is issuing for public comment a draft regulatory guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide is temporarily identified by its task number, DG-5020, which should be mentioned in all related correspondence. The DG-5020 is a proposed new regulatory guide. This guide describes methods that the staff or NRC considers acceptable for licensees and certificate holders to comply with the Commission's regulations implementing the provisions

of Section 161A, “Use of Firearms by Security Personnel,” of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), that are found in the proposed 10 CFR 73.18 and 10 CFR 73.19. See the proposed rule (Docket ID: NRC-2011-0018) published elsewhere in today’s *Federal Register*.

Section 161A provides authority for the Commission to designate classes of facilities, radioactive material, and other property, as appropriate, for licensees and certificate holders to (1) transfer, receive, possess, transport, import, and use enhanced weapons and (2) preempt State, local, and certain Federal firearms laws (including regulations). In addition, Section 161A mandates that each security officer complete a satisfactory fingerprint-based firearms background check by the U.S. Attorney General for designated classes of facilities, radioactive material, and other property, where the affected licensee’s or certificate holder’s protective strategy employs firearms and the officer’s official duties require access to any covered weapon. The NRC is issuing DG-5020 for comment in conjunction with DG-5019, “Reporting and Recording Safeguards Events,” and the associated proposed rule. See the DG-5019 (Docket ID: NRC-2011-0014) proposed elsewhere in today’s *Federal Register*.

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Dated at Rockville, Maryland, this __12__ day of ___JAN___, 2011.

For the Nuclear Regulatory Commission.

/RA/

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