

From: Brochman, Phil
Sent: Tuesday, April 12, 2011 11:02 AM
To: joemama6025@hotmail.com
Subject: NRC Enhanced Weapons Rulemaking
Attachments: FW: Response from "Contact Us about Public Meetings on Nuclear Security and Safeguards;"

Joe Brancato
Owsego, NY

Dear Mr. Brancato

I am responding to your e-mail (see attached) regarding the status of the NRC's efforts to implement provision of the Energy Policy Act of 2005 [EPAAct 2005) that added Section 161A to the Atomic Energy Act of 1954 (42 U.S.C. § 2201a) Section 161A would permit NRC licensed facilities to use automatic weapons as part of their security program.

You asked "Has the NRC enacted guidelines with the ATF since then [EPAAct 2005] to ensure this could be implemented? It has been five years. If this has not been completed what is the expected date of completion?"

Here is the current status of this effort.

After enactment of the statute, several years of implementing discussions occurred between the NRC, DOJ, FBI, and ATF. The Commission and the Attorney General subsequently approved Firearms Guidelines implementing Section 161A. These Firearms Guidelines were published in the *Federal Register* on September 11, 2009 (see 74 FR 46800); whereupon Section 161A took effect.

Since September 2009 the NRC has developed a proposed rule and three guidance documents implementing this new authority. The NRC published the proposed rule and the three guidance documents for comment in the *Federal Register* on February 3, 2011 (see 76 FR 6245, 76 FR 6086, 76 FR 6087, and 76 FR 6088). The initial comment period was for 90 days, but this has been extended at the request of industry. We are expecting to issue a FRN shortly extending the close of the comment period to August 2, 2011. We are also working to schedule a public meeting near the end of May at NRC headquarters to discuss the proposed rule. We have requested NRC and ATF participate in this meeting.

The comment period is currently open on these documents, so please consider submitting comments. The FRNs contain information on how to submit comments.

We are not be able to estimate the date of completion until we see how many comments we receive on these four documents and their complexity. Consequently, our initial goal is for the NRC staff to send a final rule and supporting guidance to the Commission by the end of CY 2012 or early CY2013.

Regards, Phil

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