

From: Joe Brancato [joemama6025@hotmail.com]
Sent: Tuesday, April 12, 2011 6:21 PM
To: Brochman, Phil
Subject: RE: NRC Enhanced Weapons Rulemaking

Thank you very much for your timely and informative response. I will be sure to respond with comments. Thanks again. Joe

"The will of God will never take you where the grace of God will not protect you."

From: Phil.Brochman@nrc.gov
To: joemama6025@hotmail.com
Date: Tue, 12 Apr 2011 11:01:40 -0400
Subject: NRC Enhanced Weapons Rulemaking

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 [EPAct 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 [EPAct 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

Phil Brochman, Sr Program Manager
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--Forwarded Message Attachment--

From: Alan.Shropshire@nrc.gov
To: Phil.Brochman@nrc.gov
CC: Doug.Huyck@nrc.gov; Michael.Layton@nrc.gov; Robert.Caldwell@nrc.gov; Sandra.Wastler@nrc.gov; John.VandenBerghe@nrc.gov
Date: Tue, 12 Apr 2011 07:13:55 -0400
Subject: FW: Response from "Contact Us about Public Meetings on Nuclear Security and Safeguards;

Phil,

Below is a question from the public regarding enhanced weapons. Are you the right person to answer it?

Alan

-----Original Message-----

From: NSIR_WebServices Resource
Sent: Tuesday, April 12, 2011 6:19 AM
To: Diec, David; Dudek, Michael; Shropshire, Alan; VandenBerghe, John
Subject: FW: Response from "Contact Us about Public Meetings on Nuclear Security and Safeguards;

-----Original Message-----

From: joemama6025@hotmail.com [<mailto:joemama6025@hotmail.com>]

Sent: Monday, April 11, 2011 6:30 PM

To: NSIR_WebServices Resource

Subject: Response from "Contact Us about Public Meetings on Nuclear Security and Safeguards;

Below is the result of your feedback form. It was submitted by

(joemama6025@hotmail.com) on Monday, April 11, 2011 at 18:30:14

comments: In January of 2006 the DOJ issued a statement after Congress amended The Atomic Energy of 54 with the passage of Energy Policy Act of 2005 stipulating the fact that it would be lawful for security of licensed facilities from the NRC to lawfully use fully automatic weapons in the course of their duties. Has the NRC enacted guidelines with the ATF since then to ensure this could be implemented? It has been five years. If this has not been completed what is the expected date of completion?

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