



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

JAN 14 1994

MEMORANDUM FOR: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque

FROM: William C. Perler
General Counsel

SUBJECT: PROHIBITION OF SEMIAUTOMATIC ASSAULT
WEAPONS IN SENATE-PASSED CRIME BILL

Attached is a proposed letter to Senator Joseph Biden, Chairman of the Senate Committee on the Judiciary, addressing provisions of the Senate-passed crime bill¹ that the NRC staff believes could be detrimental to the safeguarding of NRC-licensed facilities possessing a formula quantity of strategic special nuclear material and NRC-licensed power reactor facilities.

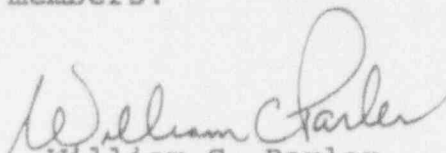
The provisions in question, incorporated in title XLV of the bill, would generally prohibit the transfer and possession of semiautomatic assault weapons, unless a specific exemption applies. The proposed letter recommends such an exemption for NRC-licensed facilities that are required by NRC regulations to maintain an onsite physical protection system and security organization.

NRC has not been solicited to provide views on the crime bill, either by OMB or the Congress, but I believe that it is appropriate to send a letter expressing our concerns at this time, because there is a possibility that the bill will go to

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¹The bill in question is H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993.

conference early in the next session of the Congress, which will begin later this month.² If there is a conference at that time, I would proposing following up the letter to Senator Biden, who would be the chairman of the conference committee, with a letter to the conference committee members.


William C. Parler
General Counsel

Attachment:
Letter to Senator Biden

cc: SECY
EDO
OCA

²There is a question whether there will be a conference early in the next session because the House-passed version of H.R. 3355 is very narrow in scope as compared to the Senate-passed version. There may, therefore, be a preference for sending the Senate-passed version to the House for consideration. Another alternative would be for the House to package together into one bill a series of separate House bills that are of lesser scope, but each of which deals with a crime issue. After the House passed the packaged bill, it could be brought to conference with Senate-passed H.R. 3355.

ad by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery)."

(2) Section 2516(1)(7) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses)."

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption."

TITLE XLV—SEMI-AUTOMATIC ASSAULT WEAPONS

SBC. 4681. REPORT TITLE

This title may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SBC. 4682. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(a) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon."

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(2) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or types, replicas, or duplicates in any caliber of the firearms, known as—

"(i) Norinco, Mitchell, and Poly Technologies Arimat Kalašnikov (all models);

"(ii) Action Arms (small Military Industries UZI and Galil;

"(iii) Beretta AR-70 (SC-30);

"(iv) Colt AR-15;

"(v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

"(vi) SWD M-10, M-11, M-11B, and M-12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC-8, TEC-DC9 and TEC-22; and

"(ix) any shotgun which contains its ammunition in a rotating cylinder, such as (but not limited to) the Street Sweeper and Striker 12.

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or barrel having a threaded muzzle; and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a barrel having a threaded muzzle;

"(iii) a strand that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds; and

"(iv) an ability to accept a detachable magazine.

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(a).—Section 922(a)(2)(A) of title 18, United States Code, is

amended by striking "or (c) of section 922" and inserting "(c), or (d) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of title 18, United States Code, is amended in the first sentence by inserting "or semiautomatic assault weapon" after "short-barreled shotgun."

(4) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following new sentence: "The serial number of any semiautomatic assault weapon manufactured after the date of enactment of this section shall clearly show the date on which the weapon was manufactured."

SBC. 4683. EXEMPTION FOR FIREARMS LAWFULLY POSSESSED PRIOR TO DATE OF ENACTMENT

Section 922(i) of title 18, United States Code, as added by section 4502(a), is amended by adding at the end the following paragraph:

"(2) Paragraph (1) shall not apply to the transfer or possession of any firearm that was lawfully possessed before the effective date of this subsection."

SBC. 4684. EXEMPTION FOR CERTAIN HUNTING AND SPORTING FIREARMS

Section 922 of title 18, as amended by section 4503, is amended by adding at the end the following paragraph:

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 3, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) is an unserviceable firearm; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine."

SBC. 4685. EXEMPTIONS FOR GOVERNMENTAL AND EXPERIMENTAL USE

Section 922(b) of title 18, United States Code, as amended by section 4504, is amended by adding the following paragraph:

"(4) Paragraph (1) shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State; or

"(B) the manufacture, transfer, or possession of any firearm by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary, or for exportation."

SBC. 4686. RECORDKEEPING REQUIREMENTS AND RELATED RESTRICTIONS

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section 4505, is amended by adding at the end the following new subsection:

"(1)(X) It shall be unlawful for a person to sell, ship, or deliver an assault weapon to a person who does not fill out a form 4473 in connection with the purchase of the assault weapon.

"(2) It shall be unlawful for a person to purchase, possess, or accept delivery of an assault weapon unless the person has filled out a form 4473 in connection with the purchase of the assault weapon.

"(3) If a person purchases an assault weapon from anyone other than a licensed dealer, both the purchaser and the seller shall maintain a record of the sale on the seller's original copy of form 4473.

"(4) An owner of an assault weapon on the effective date of this subsection who requires re-issuance of form 4473 under this subsection shall, within 90 days after publication of regulations by the Secretary under paragraph (5), request a

copy of form 4473 from a licensed dealer in accordance with those regulations.

"(5) The Secretary shall, within 90 days after the date of enactment of this subsection, prescribe regulations for the request and delivery of form 4473 under paragraph (4)."

(b) PENALTY.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) A person who knowingly violates section 922(i) shall be fined not more than \$1,000 (in accordance with section 3571(e)), imprisoned not more than 6 months, or both."

(c) DISABILITY.—Section 922(g)(1) of title 18, United States Code, is amended by inserting "or a violation of section 922(i)" before the semicolon at the end.

SBC. 4687. BAN ON LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 4506, is amended by adding at the end the following new subsection:

"(6)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) This subsection does not apply to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency of the United States or a State, or a department, agency, or political subdivision of a State;

"(B) the lawful transfer or lawful possession of a large capacity ammunition feeding device that was lawfully possessed before the effective date of this subsection; or

"(C) the transfer or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary."

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 4502(b), is amended by adding at the end the following new paragraph:

"(3) The term 'large capacity ammunition feeding device'—

"(A) means—

"(i) a magazine, belt, drum, feed tray, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(ii) any combination of parts from which a device described in clause (A) can be assembled, but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition."

(c) LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence—

(1) by striking "or (D) any destructive device,"; and

(2) by inserting "(D) any destructive device; or (E) any large capacity ammunition feeding device."

(d) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 4502(c), is amended by striking "or (2)" and inserting "(1), or (4)".

(e) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section 4502(d), is amended by adding at the end the following new sentence: "A large capacity ammunition feeding device manufactured after the date of enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe."

SBC. 4688. STUDY BY ATTORNEY GENERAL

(a) STUDY.—The Attorney General shall investigate and study the effect of this title and the