

August 15, 2008

MEMORANDUM TO: Karen D. Cyr
General Counsel

R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-08-0050/0050A – FIREARMS
GUIDELINES IMPLEMENTING SECTION 161A. OF THE
ATOMIC ENERGY ACT OF 1954 AND ASSOCIATED POLICY
ISSUES

The Commission has approved the staff's five recommendations in SECY-08-0050A, subject to the following comments.

The staff should revise the letters to the Governors (SECY-08-0050, Enclosure 5) as follows:

1. Revise the first sentence to read as follows:

"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. of the Atomic Energy Act of 1954 (AEA).

2. In the last sentence of the first paragraph of the letter, change "staffs" to "staff", insert "including the" immediately after "Justice (DOJ)," delete the comma after "(FBI)", and insert a comma after "(ATF)".
3. In the second sentence of the third paragraph of the letter, change "and other weapons that they previously were not authorized to possess" to "and certain other weapons."
4. In the next to last sentence of the fourth paragraph of the letter, delete "final version of the firearms guidelines which the DOJ requested," to "firearms guidelines that the DOJ requested,".
5. Revise the letter to reflect that the NRC will publish a proposed rule rather than a direct final rule and companion proposed rule.

SECY NOTE: THIS SRM TO BE RELEASED TO THE PUBLIC WHEN THE SECY PAPERS ARE RELEASED AFTER PUBLICATION OF THE FIREARMS GUIDELINES IN THE FEDERAL REGISTER.

6. Revise the letter to make it clear that the letter is not a notification of specific licensees' or certificate holders' intentions to apply to the NRC for this additional authority; rather seeking the additional authorities available in Section 161A. is voluntary on the part of licensees and certificate holders.

If and when utilities do request this authority, any potential issues of Commission interest should be brought to the Commission's attention in a timely manner.

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

SECY NOTE: THIS SRM TO BE RELEASED TO THE PUBLIC WHEN THE SECY PAPERS ARE RELEASED AFTER PUBLICATION OF THE FIREARMS GUIDELINES IN THE FEDERAL REGISTER.