

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: COMSECY-18-0012: PROPOSED REVISION TO THE
FIREARMS GUIDELINES

Approved XX Disapproved ___ Abstain ___ Not Participating ___

Comments: Below XX Attached XX None ___

I approve the staff's proposed revision to the Firearms Guidelines removing the 45-day appeal deadline and extension request provisions and approve the submittal of the Firearms Guidelines, in this revised form, to the Attorney General for his approval. Should the Attorney General grant his approval of the Firearms Guidelines without significant further change, I approve publication of the Firearms Guidelines in the *Federal Register*, via the draft notice (Enclosure 3 to COMSECY-18-0012), as edited in the attached version.



SIGNATURE

8 / 24 / 18

DATE

Entered on "STARS" Yes No ___

Federal Register Notice announcing publication of Revision 2 of the Firearms Guidelines

[7590-01-P]

KLS Edits

NUCLEAR REGULATORY COMMISSION

[NRC-2008-0465]

Revision of Guidelines on Use of Firearms by Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Firearms guidelines; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing, with the approval of the U.S. Attorney General, revised guidelines on the use of weapons by the security personnel of licensees and certificate holders whose official duties include the protection of NRC-regulateddesignated facilities, certain radioactive material, or other property owned or operated by an NRC licensee or certificate holder, or radioactive material or other property that is being transported to or from a facility owned or operated by such a licensee or certificate holder. The revised guidelines are entitled "Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property, Revision 2." The NRC first issued firearms guidelines on September 11, 2009.

DATES: The revised Firearms Guidelines are effective on **[insert date of publication in the Federal Register]**.

Enclosure 3

ADDRESSES: Please refer to Docket ID NRC-2008-0465 when contacting the NRC about the availability of information regarding this document. You may access publicly available information related to this action by the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0465. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)". For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Norman St. Amour, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-287-9129, e-mail Norman.StAmour@nrc.gov.

SUPPLEMENTARY INFORMATION:

Section 161A of the Atomic Energy Act of 1954, as amended (AEA), "Use of Firearms by Security Personnel," (42 U.S.C. 2201a) provides statutory authority for the Commission to

authorize the security personnel of an NRC licensee to transfer, receive, possess, transport, import, and use certain firearms, weapons, ammunition, and devices notwithstanding State, local, and certain Federal firearms laws that prohibit such actions. Section 161A of the AEA took effect on September 11, 2009, when the Commission issued the original Firearms Guidelines (74 FR 46800).

This revision to the Firearms Guidelines removes from the guidelines the 45-day deadline for appealing a delayed or denied firearms background check response from the Federal Bureau of Investigation (FBI) and the process for requesting an extension of that deadline. These appeal provisions applied to those licensee security personnel who receive a delayed or denied firearms background check response from the FBI. The Commission determined that it lacked the regulatory authority to impose this deadline and extension request process on licensee security personnel because the appeal deadline and associated extension request process do not have a nexus to radiological health and safety or the common defense and security. Removal of these appeal deadline provisions will not have an adverse impact on licensee security personnel because the existing FBI procedures to appeal a delayed or denied firearms background check response remain unaffected by this change. The FBI's appeal process does not contain any appeal deadline. This revision also makes minor editorial and conforming changes to the Firearms Guidelines. These minor changes serve to eliminate any confusion regarding the appeals process; the guidelines will continue to include a reference to the FBI's appeals process.

The revision to the Firearm Guidelines consists of two specific changes. First, the ninth paragraph under Section 6, "Firearms Background Checks" is amended to eliminate the 45-day appeal deadline, the associated extension request process, and information regarding appeals

that is better addressed in guidance. Second, the indentation of "Satisfactory firearms background check" in Section 8, Definitions" is corrected.

The U.S. Attorney General approved this revision to the Firearms Guidelines by letter dated Month, Day, YYYY (ADAMS Accession No. MLXXXXXXXXXX). The Commission approved and authorized publication of the revised Firearms Guidelines in the *Federal Register* on Month, Day, YYYY. The revised Firearms Guidelines are included as an attachment to this document.

Dated at Rockville, Maryland, this _____ day of _____, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Baran
SUBJECT: COMSECY-18-0012: Proposed Revision to the Firearms Guidelines


Approved Disapproved Abstain Not Participating

COMMENTS: Below Attached None

I agree with the NRC staff that there is no safety or security need to place a 45-day deadline on a licensee security employee's ability to appeal a "denied" National Instant Criminal Background Check System response. Therefore, I approve revising the Firearms Guidelines to remove the 45-day appeal deadline and associated extension request provisions. I also approve the staff submitting the revised Firearms Guidelines to the Department of Justice (DOJ) for the Attorney General's approval. At a staff level, DOJ has indicated that it has no objection to the proposed revisions. If the Attorney General approves the proposed revisions with no significant changes, I approve publication of the draft *Federal Register* notice issuing the revised Firearms Guidelines, subject to the attached edits.

Entered in "STARS"

Yes
No



SIGNATURE
7/26/18

DATE

Federal Register Notice announcing publication of Revision 2 of the Firearms Guidelines

[7590-01-P]

JMB edits

NUCLEAR REGULATORY COMMISSION

[NRC-2008-0465]

Revision of Guidelines on Use of Firearms by Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Firearms guidelines; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing, with the approval of the U.S. Attorney General, revised guidelines on the use of weapons by the security personnel of licensees whose official duties include the protection of NRC-regulated facilities, radioactive material, or other property. The revised guidelines are entitled “Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property, Revision 2.” The NRC first issued firearms guidelines on September 11, 2009.

DATES: The revised Firearms Guidelines are effective on **[insert date of publication in the Federal Register]**.

Enclosure 3

authorize the security personnel of an NRC licensee to transfer, receive, possess, transport, import, and use certain firearms, weapons, ammunition, and devices notwithstanding State, local, and certain Federal firearms laws that prohibit such actions. Section 161A of the AEA took effect on September 11, 2009, when the Commission issued the original Firearms Guidelines (74 FR 46800).

This revision to the Firearms Guidelines removes from the guidelines the 45-day deadline for appealing a delayed or denied firearms background check response from the Federal Bureau of Investigation (FBI) and the process for requesting an extension of that deadline. These appeal provisions applied to those licensee security personnel who receive a delayed or denied firearms background check response from the FBI. The Commission determined that the appeal deadline and associated extension request process do not have a nexus to radiological health and safety or the common defense and security~~it lacked the regulatory authority to impose this deadline and extension request process on licensee security personnel~~. Removal of these appeal deadline provisions will not have an adverse impact on licensee security personnel because the existing FBI procedures to appeal a delayed or denied firearms background check response remain unaffected by this change. The FBI's appeal process does not contain any appeal deadline. This revision also makes minor editorial and conforming changes to the Firearms Guidelines. These minor changes serve to eliminate any confusion regarding the appeals process; the guidelines will continue to include a reference to the FBI's appeals process.

This revision to the Firearm Guidelines consists of two specific changes. First, the ninth paragraph under Section 5, "Firearms Background Checks," is amended to eliminate the 45-day

appeal deadline and associated extension request process. Second, the indentation of
“Satisfactory firearms background check” in Section 8, “Definitions.” is corrected.

The U.S. Attorney General approved this revision to the Firearms Guidelines by letter dated Month, Day, YYYY (ADAMS Accession No. MLXXXXXXXXXX). The Commission approved and authorized publication of the revised Firearms Guidelines in the *Federal Register* on Month, Day, YYYY. The revised Firearms Guidelines are included as an attachment to this document.

Dated at Rockville, Maryland, this _____ day of _____, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Burns
SUBJECT: COMSECY-18-0012: Proposed Revision to the Firearms Guidelines

Approved X Disapproved Abstain Not Participating

Comments: Below X Attached None

I approve the NRC staff's draft revision to the Firearms Guidelines and staff's recommendation to submit the revision to the Department of Justice for the Attorney General's approval. I also approve publication of the revised Firearm Guidelines in the *Federal Register* if the Attorney General approves the revision with no significant changes.

Entered in STARS
Yes ✓
No



SIGNATURE
8 August 2018

DATE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Annie Caputo

SUBJECT: COMSECY-18-0012: Proposed Revision to the Firearms Guidelines

Approved Disapproved Abstain Not Participating

Comments: Below Attached None

Approved subject to the attached edits.

Entered in STARS

Yes

No



SIGNATURE
8/24/2018

DATE

Federal Register Notice announcing publication of Revision 2 of the Firearms Guidelines

AC Edits

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

[NRC-2008-0465]

Revision of Guidelines on Use of Firearms by Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Firearms guidelines; issuance.

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FOR FURTHER INFORMATION CONTACT: Norman St. Amour, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-287-9129, e-mail Norman.StAmour@nrc.gov.

SUPPLEMENTARY INFORMATION:

Section 161A of the Atomic Energy Act of 1954, as amended (AEA), "Use of Firearms by Security Personnel," (42 U.S.C. 2201a) provides statutory authority for the Commission to

authorize the security personnel of an NRC licensee or certificate holder to transfer, receive, possess, transport, import, and use certain firearms, weapons, ammunition, and devices notwithstanding State, local, and certain Federal firearms laws that prohibit such actions. Section 161A of the AEA took effect on September 11, 2009, when the Commission issued the original Firearms Guidelines (74 FR 46800).

This revision to the Firearms Guidelines removes from the guidelines the 45-day deadline for appealing a delayed or denied firearms background check response from the Federal Bureau of Investigation (FBI) and the process for requesting an extension of that deadline. These appeal provisions applied to those licensee or certificate holder security personnel who receive a delayed or denied firearms background check response from the FBI. The Commission determined that it lacked the regulatory authority to impose this deadline and extension request process on licensee or certificate holder security personnel because the appeal deadline and associated extension request process do not have a nexus to radiological health and safety or the common defense and security. Removal of these appeal deadline provisions will not have an adverse impact on licensee or certificate holder security personnel because the existing FBI procedures to appeal a delayed or denied firearms background check response remain unaffected by this change.

This revision to the Firearm Guidelines consists of two specific changes. First, the ninth paragraph under Section 6, "Firearms Background Checks" is amended to eliminate the 45-day appeal deadline, the associated extension request process, and information regarding appeals that is better addressed in guidance. Second, the indentation of "Satisfactory firearms background check" in Section 8, "Definitions" is corrected.

The FBI's appeal process does not contain any appeal deadline. This revision also makes minor editorial and conforming changes to the Firearms Guidelines. These minor changes serve to eliminate any confusion regarding the appeals process; the guidelines will continue to include a reference to the FBI's appeals process.

The U.S. Attorney General approved this revision to the Firearms Guidelines by letter dated Month, Day, YYYY (ADAMS Accession No. MLXXXXXXXXXX). The Commission approved and authorized publication of the revised Firearms Guidelines in the *Federal Register* on Month, Day, YYYY. The revised Firearms Guidelines are included as an attachment to this document.

Dated at Rockville, Maryland, this _____ day of _____, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Wright
SUBJECT: COMSECY-18-0012: Proposed Revision to the Firearms Guidelines


Approved X Disapproved ___ Abstain ___ Not Participating ___

Comments: Below X Attached X None ___

I approve the Office of the General Counsel's (OGC) proposed revisions to the Firearms Guidelines and OGC's request to submit the revised Firearms Guidelines to the U.S. Department of Justice (DOJ) to obtain the required concurrence of the United States Attorney General. I appreciate OGC's coordination with DOJ and the Federal Bureau of Investigation's Criminal Justice Information Service on this matter. If the Attorney General approves the proposed revisions with no significant changes, I approve publication of the draft *Federal Register* notice issuing the revised Firearms Guidelines, subject to the attached edits.

Entered in STARS

Yes ✓
No ___


SIGNATURE
8/24/18
DATE

Federal Register Notice announcing publication of Revision 2 of the Firearms Guidelines

[7590-01-P]

DAW edits

NUCLEAR REGULATORY COMMISSION

[NRC-2008-0465]

Revision of Guidelines on Use of Firearms by Security Personnel

AGENCY: Nuclear Regulatory Commission.

ACTION: Firearms guidelines; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing, with the approval of the U.S. Attorney General, revised guidelines on the use of weapons by the security personnel of licensees and certificate holders whose official duties include the protection of NRC-regulated facilities, radioactive material, or other property. The revised guidelines are entitled "Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property, Revision 2." The NRC first issued firearms guidelines on September 11, 2009.

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Enclosure 3

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45-day appeal deadline and associated extension request process. Second, the indentation of "Satisfactory firearms background check" in Section 8, "Definitions." is corrected.

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Dated at Rockville, Maryland, this _____ day of _____, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission