

issuing DG-5019 for comment in conjunction with DG-5020, "Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR Part 73," and the associated proposed rule. See the DG-5020 (Docket ID: NRC-2011-0015) proposed elsewhere in today's **Federal Register**.

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Dated at Rockville, Maryland this 12th day of January 2011.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2011-1778 Filed 2-2-11; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

[NRC-2011-0015]

RIN 3150-A149

#### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability of Draft Regulatory Guide.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (Commission or NRC) is issuing for public comment Draft Regulatory Guide, DG-5020, "Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR Part 73." The DG-5020 is a proposed new regulatory guide. This guide describes methods that the staff or NRC considers acceptable for licensees and certificate holders to comply with the Commission's regulations implementing the provisions of Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), that are found in the proposed Title 10 of the Code of Federal Regulations (10 CFR) 73.18, "Authorization for use of Enhanced Weapons and Preemption of Firearms Laws," and 10 CFR 73.19, "Firearms Background Checks for Armed Security Personnel."

**DATES:** Submit comments on Draft Regulatory Guide, DG-5020, May 4, 2011. Comments received after this date will be considered if it is practical to do

so, but the NRC is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID: NRC-2011-0015 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site at <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

To ensure efficient and complete comment resolution, you should reference the section and page numbers of DG-5020 to which the comment applies.

*Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2011-0015. Address questions about NRC dockets to Carol Gallagher, telephone: 301-492-3668; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy Bladley, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446.

You can access publicly available documents related to this document using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not

have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The DG-5020 is available electronically under ADAMS Accession Number ML100321956. In addition, electronic copies of DG-5020 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>.

*Federal rulemaking Web site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching for documents filed under Docket ID: NRC-2011-0015.

**FOR FURTHER INFORMATION CONTACT:** Philip G. Brochman, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6557; e-mail: [Philip.Brochman@nrc.gov](mailto:Philip.Brochman@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

The NRC is issuing for public comment a draft regulatory guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide is temporarily identified by its task number, DG-5020, which should be mentioned in all related correspondence. The DG-5020 is a proposed new regulatory guide.

This guide describes methods that the staff or NRC considers acceptable for licensees and certificate holders to comply with the Commission's regulations implementing the provisions of Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), that are found in the proposed 10 CFR 73.18 and 10 CFR 73.19. See the proposed rule (Docket ID: NRC-2011-0018) published elsewhere in today's **Federal Register**.

Section 161A provides authority for the Commission to designate classes of facilities, radioactive material, and other property, as appropriate, for licensees and certificate holders to (1) transfer, receive, possess, transport, import, and use enhanced weapons and (2) preempt

State, local, and certain Federal firearms laws (including regulations). In addition, Section 161A mandates that each security officer complete a satisfactory fingerprint-based firearms background check by the U.S. Attorney General for designated classes of facilities, radioactive material, and other property, where the affected licensee's or certificate holder's protective strategy employs firearms and the officer's official duties require access to any covered weapon. The NRC is issuing DG-5020 for comment in conjunction with DG-5019, "Reporting and Recording Safeguards Events," and the associated proposed rule. See the DG-5019 (Docket ID: NRC-2011-0014) proposed elsewhere in today's **Federal Register**.

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Dated at Rockville, Maryland, this 12th day of January 2011.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

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## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 73**

[NRC-2011-0017]

RIN 3150-A149

#### **Draft Weapons Safety Assessment on the Use of Enhanced Weapons; Notice of Availability and Request for Comment**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (Commission or NRC) is seeking input from the public, licensees, certificate holders, and other stakeholders on a draft guidance document entitled "Weapons Safety Assessment" (WSA). This guidance would be used by licensees and certificate holders applying to the NRC to obtain enhanced weapons under the NRC's proposed rule titled "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications," published in the Proposed Rule section of today's **Federal Register** (NRC-2011-0018). A completed WSA would be part

of an application to the NRC for the use for enhanced weapons.

The Commission is authorized under Section 161A of the Atomic Energy Act of 1954, as amended (AEA), to approve licensees' and certificate holders' possession of enhanced weapons as part of a protective strategy for defending NRC-regulated facilities and radioactive material against malevolent acts. Volumes 1 through 3 of the draft WSA are being issued for public review and comment.

**DATES:** Submit comments on Volumes 1 through 3 of the draft WSA by May 4, 2011. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID: NRC-2011-0017 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site at <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

To ensure efficient and complete comment resolution, you should reference the section and page numbers of the WSA volume to which the comment applies. You should not include any site-specific security information in your comments.

*Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2011-0017. Address questions about NRC dockets to Carol Gallagher, telephone: 301-492-3668; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446.

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*Federal rulemaking Web site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching for documents filed under Docket ID: NRC-2011-0017.

**FOR FURTHER INFORMATION CONTACT:** Philip Brochman, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6557; e-mail: [Phil.Brochman@nrc.gov](mailto:Phil.Brochman@nrc.gov); or Susan Bagley, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2240; e-mail: [Susan.Bagley@nrc.gov](mailto:Susan.Bagley@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

On August 8, 2005, President Bush signed into law the Energy Policy Act of 2005 (EPAct), Public Law 109-58, 119 Stat. 594 (2005). Section 653 of the EPAct amended the AEA by adding Section 161A, "Use of Firearms by Security Personnel" (42 U.S.C. 2201a). Section 161A of the AEA provides the NRC with new authority that will enhance security at designated facilities of NRC licensees and certificate holders. Section 161A also provides the NRC with new authority that will enhance security with respect to the possession or use of certain radioactive material or other property owned or possessed by an NRC licensee or certificate holder, or the transportation of such material or other property that has been determined by the Commission to be of significance