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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–2011–0015]

RIN 3150–AI49

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Draft Regulatory Guide.


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.

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.

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.

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 staff or NRC considers acceptable for licensees and certificate holders to (1) transfer, receive, possess, transport, import, and use enhanced weapons and (2) preempt


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
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.


For further information contact:

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.