



## U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

January 30, 2006

### **Open Letter to All Federally Licensed Dealers, Importers, and Manufacturers of Firearms and Ammunition**

The purpose of this Open Letter is to advise all Federal firearms licensees (FFLs) of a recent change to the Atomic Energy Act of 1954, as it relates to the transfer of certain types of firearms.

Recently, Congress amended the Atomic Energy Act of 1954 with the passage of the Energy Policy Act of 2005. This act (Public Law 109-058) was signed by the President on August 8, 2005. Although the new provision does not amend the Gun Control Act of 1968 or the National Firearms Act, it does allow for the possession of machineguns by Nuclear Regulatory Commission (NRC) licensees and authorized contractors that provide security to these licensees at nuclear facilities. The language of the new law appears in 42 U.S.C. § 2201a. This new provision is a departure from present legal restrictions which do not allow for machineguns to be imported for, transferred to, or possessed by non-government entities. Before this new statute may take effect, the law states that the NRC must establish guidelines for implementation that are approved by the Attorney General (AG). Toward this end, ATF has met with the NRC to offer assistance in developing guidelines that will enable NRC licensees, contractors and FFLs to comply with all Federal laws and regulations that govern their conduct of business.

NRC is in the process of preparing the draft guidelines, but the approval process within the NRC and by the AG is detailed. For that reason, the implementation should not be considered imminent. As additional information becomes available, this posting will be updated. In the meantime, ATF does not have authority to process import or transfer applications filed pursuant to 42 U.S.C. § 2201a.

ATF is committed to assisting the FFL population in complying with the laws and regulations while carrying out our mission to prevent terrorism, reduce violent crime and protect the public. Thank you for your continued diligence in helping keep America safe.

If you have any questions about the new firearms provision of the Atomic Energy Act of 1954, please call the Nuclear Regulatory Commission at 301-415-7015.

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