



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 17, 2021

Susan Rice
Assistant to the President
for Domestic Policy

Dear Ms. Rice:

I am providing the U.S. Nuclear Regulatory Commission's (NRC) response in accordance with Section 2 of Executive Order (EO) 13977, entitled "Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families," of January 18, 2021. The EO provides direction to agencies to remove obstacles to Federal Law Enforcement Officers Qualifying for Concealed Carry Under the Law Enforcement Officers Safety Act of 2004, as amended (18 U.S.C. 926B, 926C) (LEOSA). The heads of all agencies that employ or have employed qualified federal law enforcement officers or qualified retired law enforcement officers as defined in LEOSA shall report as required by subsection (c) of the EO on the implementation of this order and analyzing qualified persons' ability to carry a concealed firearm under the LEOSA.

Please feel free to contact me or have your staff contact Tracy Higgs, Acting Director of the NRC's Office of Investigations, at (301) 415-1371 or Malion Bartley, Acting Assistant Inspector General for Investigations, at (301) 415-5962 if you have questions or need more information.

Sincerely,

Christopher T. Hanson

Enclosures:

1. NRC's Office of Investigation Response
2. NRC's Office of the Inspector General Response

cc: c/o Alex J. Pascal, EOP/WHO
Domestic Policy Council

The U.S. Nuclear Regulatory Commission's Office of Investigations reports the following information as required by Section 2 of Executive Order 13977 of January 18, 2021, "Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families."

Sec. 2. Removing Obstacles to Federal Law Enforcement Officers Qualifying for Concealed Carry Under the Law Enforcement Officers Safety Act of 2004.

(a) It shall be the policy of the United States to remove any undue obstacle preventing current or retired Federal law enforcement officers from carrying a concealed firearm as allowed under the Law Enforcement Officers Safety Act of 2004, as amended (18 U.S.C. 926B, 926C) (LEOSA).

(b) The heads of all executive departments and agencies (agencies) that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall act expeditiously to implement the policy set by subsection (a) of this section.

(c) The heads of all agencies that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall submit a report to the President, through the Assistant to the President for Domestic Policy, within 30 days of the date of this order, reporting on the implementation of this order and analyzing qualified persons' ability to carry a concealed firearm under the LEOSA.

(d) The report required by subsection (c) of this section shall:

(i) identify any obstacles that the agency's qualified law enforcement officers or qualified retired law enforcement officers presently face in carrying a concealed firearm under the LEOSA;

The Nuclear Regulatory Commission (NRC) Office of Investigations (OI) current and retired special agents are covered by the definitions outlined in this Executive Order which describe "qualified law enforcement officers." The NRC's OI was established with the support of Congress and the U.S. Department of Justice in 1982 to conduct civil and criminal investigations of alleged violations of the Atomic Energy Act of 1954 by individuals or organizations that are under NRC jurisdiction. Due to the lack of legislative authority specific to the NRC, OI is currently under delegated authority by the U.S. Marshals Service (USMS) through blanket deputations for OI special agents with specific requirements "To conduct interviews and serve subpoenas under Title 18 Authority while on assigned duties for NRC," and "To carry firearms and make arrests and execute search & arrest warrants under Title 18 Authority as it relates to NRC & its programs." The limitations on OI deputations include notations that the deputation is not valid for federal drug investigations and that the deputation is only valid in the performance of official NRC duties and not valid for off-duty carry. The limitations on these USMS deputations, and the fact that OI special agents' firearm and arrest authorities are not pursuant to NRC-specific statutory authority, currently preclude OI special agents from carrying concealed weapons under the LEOSA.

(ii) identify any categories of the agency's qualified law enforcement officers or qualified retired law enforcement officers who are presently unable to carry a concealed firearm under the LEOSA;

OI is comprised of approximately 30 special agents (along with a number of qualified retired agents), who are employed in their positions as Office of Personnel and Management designated Government Grade 1811 job series criminal investigators. OI special agents currently are authorized to carry firearms and make arrests without warrant in appropriate circumstances through the USMS deputation program, but they have not been authorized to carry concealed firearms under the LEOSA.

(iii) identify the steps the agency has taken to implement the policy set by subsection (a) of this section;

OI special agents currently are authorized to carry firearms and make arrests without warrant in appropriate circumstances, reliant upon the USMS deputation program. The USMS has requested that the NRC seek to obtain its own statutory authority for this purpose, though the USMS will continue permitting OI to use its deputation program while the NRC attempts to obtain its own statutory authority. The NRC has made previous attempts to obtain statutory authority by proposing legislation to Congress, but the legislation has not been enacted.

(iv) identify the steps the agency plans to take in the future to implement the policy set by subsection (a) and explain why it was not possible to take these steps before the report was submitted.

The NRC continues to explore the potential for legislation, consistent with the request from the USMS referred to in section (iii).

The U.S. Nuclear Regulatory Commission's Office of the Inspector General reports the following information as required by Section 2 of the Executive Order 13977 of January 18, 2021, "Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families."

Sec. 2. Removing Obstacles to Federal Law Enforcement Officers Qualifying for Concealed Carry Under the Law Enforcement Officers Safety Act of 2004.

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(b) The heads of all executive departments and agencies (agencies) that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall act expeditiously to implement the policy set by subsection (a) of this section.

(c) The heads of all agencies that employ or have employed qualified law enforcement officers or qualified retired law enforcement officers, as those terms are defined in the LEOSA, shall submit a report to the President, through the Assistant to the President for Domestic Policy, within 30 days of the date of this order, reporting on the implementation of this order and analyzing qualified persons' ability to carry a concealed firearm under the LEOSA.

(d) The report required by subsection (c) of this section shall:

(i) identify any obstacles that the agency's qualified law enforcement officers or qualified retired law enforcement officers presently face in carrying a concealed firearm under the LEOSA;

The NRC OIG has a policy in place to comply with LEOSA requirements, primarily regarding the issuance of retired credentials and LEOSA card to retired law enforcement officers. The NRC OIG policy provides for the issuance of the retired law enforcement officer credentials and LEOSA card immediately upon a retiring law enforcement officer's effective retirement date. The NRC OIG creates no undue obstacles to prevent current or retired Federal law enforcement officers from carrying a concealed firearm, though most States require a retired law enforcement officer to qualify annually with the firearm they will carry.

(ii) identify any categories of the agency's qualified law enforcement officers or qualified retired law enforcement officers who are presently unable to carry a concealed firearm under the LEOSA;

The NRC OIG is not aware of any retired law enforcement officer unable to carry a concealed firearm under the LEOSA.

(iii) identify the steps the agency has taken to implement the policy set by subsection (a) of this section; and

(iv) identify the steps the agency plans to take in the future to implement the policy set by subsection (a) and explain why it was not possible to take these steps before the report was submitted.

It is part of the NRC OIG's administrative procedures to issue retired credentials to retired law enforcement officers effective immediately upon that officer's retirement. Once an agent retires, the agency's only requirement is to issue the retired credential. Training and qualification under the LEOSA are then State responsibilities. As such, any retired member is then required to comply with State regulations to carry a concealed firearm under the LEOSA. The NRC OIG has no plans to change this policy and supports its perpetuation.

Sec. 5. Proposing Legislation to Enhance the Protection of Judges, Prosecutors, and Law Enforcement Officers.

The current Inspector General for the NRC is a former career federal prosecutor who supports the legislative proposal in section 5 of the Executive Order.