

No: 13-047

June 5, 2013

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NRC Issues Order Designating 10 Facilities Eligible for Weapons Pre-Emption Authority

The Nuclear Regulatory Commission today issued an Order designating 10 nuclear facilities in New York, Maryland, Virginia and California as eligible to apply for authority to permit their security forces to possess and use firearms and related devices despite local, state or federal laws and regulations restricting their use.

The designated facilities are the Indian Point, James A. FitzPatrick, Nine Mile Point and R.E. Ginna nuclear power plants in New York; the San Onofre and Diablo Canyon nuclear power plants in California; the Calvert Cliffs nuclear power plant in Maryland; and the Babcock & Wilcox nuclear fuel fabrication facility in Virginia. The spent fuel storage installations at Diablo Canyon and Calvert Cliffs, which are licensed separately, are also included.

The Energy Policy Act of 2005 gave the NRC authority to permit security forces at NRC-licensed facilities to possess and use firearms, ammunition and large-capacity ammunition feeding devices in the performance of their official duties regardless of local, state or federal restrictions on their use. This “pre-emption authority” became effective with the 2009 publication of guidelines on the use of firearms at NRC-licensed facilities, which were approved by the NRC and the Department of Justice.

Today’s Order spells out how the designated facilities would apply for pre-emption authority, should they desire to do so, and how the NRC would review any applications. It also requires the designated facilities to perform background checks to verify their security personnel are not prohibited from carrying firearms by state law.

Pre-emption authority, if granted, would ensure the designated facilities can maintain capabilities described in their current NRC-approved security plans. The Order does not grant pre-emption authority to any NRC-licensed facility. It simply designates the class of facilities eligible to apply to the NRC for pre-emption authority.

The Order will be published soon in the *Federal Register*. It will be available in the NRC’s online ADAMS document database at [ML13038A114](#).