

August 30, 2004

Mr. Andrew Spano
Westchester County Executive
County of Westchester
148 Martine Avenue
White Plains, NY 10601

SUBJECT: NEW JERSEY AND TEXAS LEGISLATIVE UPDATES

Dear Mr. Spano:

On behalf of the U.S. Nuclear Regulatory Commission, I am following up on our conversations during Chairman Diaz's visit in June of this year regarding legislative changes affecting security officers in the States of New Jersey and Texas. New Jersey has enacted a statute that exempts any designated employee or licensed agent of a Nuclear Regulatory Commission (NRC) licensed nuclear power plant from certain prohibitions relating to the possession of weapons. This law eases the restrictions on security officers' abilities to carry certain firearms and allows security officers to be armed with machine guns. To come within the law's provisions, the NRC licensee must certify that the employee is assigned to site protection, armed response, or armed escort duties, and the firearm must be returned to the licensee at the end of the tour of duty and stored on site in a secure area. See *NJS 2C:38-6.a(10)*. Texas has passed provisions that affect security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under an NRC- approved security plan. The provisions allow for security personnel to have the powers of arrest and search and seizure while in the performance of their duties on the premises of a commercial nuclear power plant or under agreements entered into with local law enforcement agencies in areas surrounding the plant sites. See *Texas Code of Criminal Procedures Article 2.122 (f)*.

We recognize the recent legislation in the State of New York regarding defense of property. This legislation is a significant enhancement in clarifying the application of deadly force at NRC-licensed facilities.

If you have any questions, please contact me at 301-415-8003 or by email at RPZ@nrc.gov or Glenn Tracy, Director of the Division of Nuclear Security, at 301-415-6828 or at his email address GMT@nrc.gov.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

August 30, 2004

Mr. C. Scott Vanderhoef
Rockland County Executive
Office of the County Executive
11 New Hempstead Road
New City, NY 10956

SUBJECT: NEW JERSEY AND TEXAS LEGISLATIVE UPDATES

Dear Mr. Vanderhoef:

On behalf of the U.S. Nuclear Regulatory Commission, I am following up on our conversations during Chairman's Diaz's visit in June of this year regarding legislative changes affecting security officers in the States of New Jersey and Texas. New Jersey has enacted a statute that exempts any designated employee or licensed agent of a Nuclear Regulatory Commission (NRC) licensed nuclear power plant from certain prohibitions relating to the possession of weapons. This law eases the restrictions on security officers' abilities to carry certain firearms and allows security officers to be armed with machine guns. To come within the law's provisions, the NRC licensee must certify that the employee is assigned to site protection, armed response, or armed escort duties, and the firearm must be returned to the licensee at the end of the tour of duty and stored on site in a secure area. See *NJS 2C:39-6.a(10)*. Texas has passed provisions that affect security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under an NRC- approved security plan. The provisions allow for security personnel to have the powers of arrest and search and seizure while in the performance of their duties on the premises of a commercial nuclear power plant or under agreements entered into with local law enforcement agencies in areas surrounding the plant sites. See *Texas Code of Criminal Procedures Article 2.122 (f)*.

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Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

August 30, 2004

Mr. Robert Bondi
Putnam County Executive
Putnam County Office Building
40 Gleneida Avenue, 3rd Floor
Carmel, NY 10512

SUBJECT: NEW JERSEY AND TEXAS LEGISLATIVE UPDATES

Dear Mr. Bondi:

On behalf of the U.S. Nuclear Regulatory Commission, I am following up on our conversations during Chairman Diaz's visit in June of this year regarding legislative changes affecting security officers in the States of New Jersey and Texas. New Jersey has enacted a statute that exempts any designated employee or licensed agent of a Nuclear Regulatory Commission (NRC) licensed nuclear power plant from certain prohibitions relating to the possession of weapons. This law eases the restrictions on security officers' abilities to carry certain firearms and allows security officers to be armed with machine guns. To come within the law's provisions, the NRC licensee must certify that the employee is assigned to site protection, armed response, or armed escort duties, and the firearm must be returned to the licensee at the end of the tour of duty and stored on site in a secure area. See *NJS 2C:39-6.a(10)*. Texas has passed provisions that affect security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under an NRC- approved security plan. The provisions allow for security personnel to have the powers of arrest and search and seizure while in the performance of their duties on the premises of a commercial nuclear power plant or under agreements entered into with local law enforcement agencies in areas surrounding the plant sites. See *Texas Code of Criminal Procedures Article 2.122 (f)*.

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Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

August 30, 2004

Mr. Edward Diana
Orange County Executive
Orange County Government Center
255 Main Street
Goshen, NY 10924

SUBJECT: NEW JERSEY AND TEXAS LEGISLATIVE UPDATES

Dear Mr. Diana:

On behalf of the U.S. Nuclear Regulatory Commission, I am following up on our conversations during Chairman Diaz's visit in June of this year regarding legislative changes affecting security officers in the States of New Jersey and Texas. New Jersey has enacted a statute that exempts any designated employee or licensed agent of a Nuclear Regulatory Commission (NRC) licensed nuclear power plant from certain prohibitions relating to the possession of weapons. This law eases the restrictions on security officers' abilities to carry certain firearms and allows security officers to be armed with machine guns. To come within the law's provisions, the NRC licensee must certify that the employee is assigned to site protection, armed response, or armed escort duties, and the firearm must be returned to the licensee at the end of the tour of duty and stored on site in a secure area. See *NJS 2C:39-6.a(10)*. Texas has passed provisions that affect security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under an NRC- approved security plan. The provisions allow for security personnel to have the powers of arrest and search and seizure while in the performance of their duties on the premises of a commercial nuclear power plant or under agreements entered into with local law enforcement agencies in areas surrounding the plant sites. See *Texas Code of Criminal Procedures Article 2.122 (f)*.

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Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

August 30, 2004

[Identical Letters sent to:]
Rockland County, NY (C. Scott Vanderhoef)
Putnam County, NY (Robert Bondi)
Orange County, NY (Edward Diana)

SUBJECT: NEW JERSEY AND TEXAS LEGISLATIVE UPDATES

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Sincerely,
/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

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* See Previous Concurrence

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