



**Pacific Gas and
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September 24, 2013

PG&E Letter DCL-13-074
PG&E Letter DIL-13-011

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

10 CFR 50.90
10 CFR 72.56

Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
Diablo Canyon Units 1 and 2
Docket No. 72-26, SNM-2511
Diablo Canyon Independent Spent Fuel Storage Installation

License Amendment Request 13-04
Application for U.S. Nuclear Regulatory Commission Authorization to Use
Preemption Authority Granted Under Provisions of Section 161A of the Atomic
Energy Act of 1954, as Amended

Dear Commissioners and Staff:

Pursuant to 10 CFR 50.90, 10 CFR 72.56, and NRC Order EA 13-092, Pacific Gas and Electric Company (PG&E) hereby requests approval of the enclosed proposed amendment to Facility Operating License (FOL) Nos. DPR-80 and DPR-82 for Units 1 and 2 of the Diablo Canyon Power Plant (DCPP), respectively, and Special Nuclear Materials License No. SNM-2511 for the Diablo Canyon Independent Spent Fuel Storage Installation (DC ISFSI). The enclosed license amendment request (LAR) requests the U.S. Nuclear Regulatory Commission (NRC) to exercise its preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 United States Code 2201a), to grant PG&E the authority to possess and use certain firearms, ammunition, and other devices, such as large capacity ammunition feeding devices, notwithstanding local, state, and certain federal firearms laws that may prohibit such possession and use. These firearms, ammunition, and other devices are necessary to implement the NRC-approved security plan for DCPP and DC ISFSI.

PG&E requests approval of this LAR no later than December 20, 2013. PG&E requests the license amendments be made effective upon NRC issuance, to be implemented within 60 days from the date of issuance.

The enclosure to this letter contains the evaluation of the proposed change. Attachment 2 provides the existing FOL pages marked up to show the proposed

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Security-Related Information

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change. The California State firearms laws for which Section 161A preemption authority is requested are presented in Attachment 3 to the Enclosure. The types and calibers of weapons, ammunition and ammunition feeding devices for which Section 161A preemption authority is necessary are listed in Attachment 4 to the Enclosure. The impacts of identified state laws or regulations on implementation of the NRC-approved security plan for DCPD and DC ISFSI if stand-alone preemption authority is not granted are described in Attachment 5 to the Enclosure. A letter from the Attorney General (AG) of California stating that the AG has no problem with DCPD security force using assault weapons and tracer ammunition is included in Attachment 6 to the Enclosure.

PG&E requests that Attachments 4, 5 and 6 to the Enclosure, which contain security-related information, be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1).

This communication contains new commitments to be implemented following NRC approval of this LAR. The commitments are contained in Attachment 1 of the Enclosure.

In accordance with site administrative procedures and the Quality Assurance Program, the proposed amendment has been reviewed by the Plant Staff Review Committee.

Pursuant to 10 CFR 50.91, PG&E is sending a copy of this proposed amendment to the California Department of Public Health.

If you have any questions or require additional information, please contact Mr. Tom Baldwin at 805-545-4720.

I state under penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2013.

Sincerely,

A handwritten signature in blue ink that reads 'Barry S. Allen'.

Barry S. Allen
Site Vice President



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rntt/4231/50567370

Enclosure

cc: Diablo Distribution

cc/enc: John M. Goshen, NMSS Project Manager

Thomas R. Hipschman, NRC Senior Resident Inspector

Gonzalo L. Perez, Branch Chief, California Department of Public Health

Jennivine K. Rankin, NRR Project Manager

Steven A. Reynolds, NRC Region IV Acting Administrator

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Evaluation of the Proposed Change

License Amendment Request 13-04

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2. DETAILED DESCRIPTION
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 - 4.1 Applicable Regulatory Requirements/Criteria
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2. Marked-up Facility Operating License pages
3. Preemption Authority Request: Specific State Laws or Regulations
4. Preemption Authority Request: List of Firearms and/or Ammunition Feeding Devices
5. Adverse Impact of State Laws or Regulations on Physical Protection Program at DCP
6. Letter from California Attorney General, dated October 22, 2002

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EVALUATION

1. SUMMARY DESCRIPTION

This license amendment request (LAR) requests the U.S. Nuclear Regulatory Commission (NRC) to exercise its preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 United States Code (U.S.C.) 2201a), and to amend Facility Operating Licenses DPR-80 and DPR-82 for Units 1 and 2 of the Diablo Canyon Power Plant (DCPP), respectively, and Special Nuclear Materials License No. SNM-2511 for the Diablo Canyon Independent Spent Fuel Storage Installation (DC ISFSI) to authorize use and possession of certain weapons, ammunitions and other devices, such as large capacity ammunition feeding devices, to implement the NRC-approved security plan for DCPP and DC ISFSI.

2. DETAILED DESCRIPTION

2.1 Proposed Amendment

This LAR requests the NRC to exercise its preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a) to authorize use and possession of certain weapons, ammunitions and other devices, such as large capacity ammunition feeding devices, to implement the NRC-approved security plan for DCPP and DC ISFSI.

2.2 Purpose for Proposed Amendment

The current California State firearms laws adversely impact the ability of PG&E to maintain the capabilities described in the current NRC-approved security plan for DCPP and DC ISFSI. The California State firearms laws for which Section 161A preemption authority is requested are presented in Attachment 3 to the Enclosure.

PG&E was granted exemption in the form of a letter from the California Attorney General stating that DCPP Security was performing law enforcement duties (see Attachment 6 to the Enclosure). This letter was issued under a previous administration and is very generic in nature. The adverse impacts of the identified state laws or regulations on implementation of the NRC-approved security plan for DCPP and DC ISFSI are described in Attachment 5 to the Enclosure.

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PG&E is seeking NRC approval to permit security personnel at DCPD and DC ISFSI sites to use certain types of weapons under the NRC's federal preemption authority. The types and calibers of weapons and ammunition feeding devices for which Section 161A preemption authority is necessary are listed in Attachment 4 to the Enclosure.

3. TECHNICAL EVALUATION

3.1 Request for Section 161A Preemption Authority

NRC issued Order EA-13-092, dated June 5, 2013, designating an interim class of nuclear facilities eligible to voluntarily apply for NRC authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a). PG&E is eligible to apply for Section 161A preemption authority because DCPD and DC ISFSI meet the following three criteria specified in NRC Order EA-13-092:

1. DCPD and DC ISFSI are NRC-licensed facilities that are designated by the NRC in Attachment 1 to the NRC Order EA-13-092.
2. DCPD security personnel employ covered weapons (as defined in the "Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property," (74 FR 46800; September 11, 2009) ("Firearms Guidelines")) as part of the protective strategy at DCPD and DC ISFSI.
3. Access to, or possession of, covered weapons is necessary in the discharge of official duties by personnel assigned to the DCPD and DC ISFSI facilities. These weapons are required by the NRC approved security program at DCPD and DC ISFSI.

As specified in NRC Order EA-13-092, PG&E will subject individuals who are assigned duties that require the possession, use, or access to firearms and devices listed in Section 161A.b to a firearms background check in accordance with Section 161A.c, "Background Checks," and the process specified in Attachment 3 to NRC Order EA-13-092. PG&E began submitting requests for firearms background checks for all persons working as a power reactor security officer to the NRC, on July 24, 2013, and will complete all firearms background checks on or before December 22, 2013.

PG&E will notify the NRC after a sufficient number of personnel have successfully completed the requisite firearms background check such that the security organization can be staffed as specified in NRC approved security plans,

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and the site protective strategy and procedures can be effectively implemented, while meeting applicable fatigue requirements in 10 CFR Part 26, "Fitness for Duty Programs." PG&E will submit the notification in writing and under oath and affirmation.

PG&E will comply with the applicable reporting requirements in 10 CFR 73.71, "Reporting of Safeguards Events," of any situation in which DCPD would not be able to sufficiently staff the security organization within 180 days of the effective date of NRC Order EA-13-092.

In addition, the LAR includes the proposed change to the existing Facility Operating Licenses (Attachment 2).

4. REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act (42 U.S. C. 2201a) confers upon the NRC the authority to permit security personnel at designated NRC-licensed facilities to possess and use firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use. The NRC issued the Order EA-13-092 to implement the authority granted to the NRC under Section 161A before the completion and issuance of a final rule implementing this authority (Reference 1).

4.2 Significant Hazards Consideration

PG&E has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The enclosed LAR requests the NRC to exercise its preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a). The proposed amendment does not involve any physical changes to structures, systems or components. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

The proposed amendment associated with preemption authority does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed amendment associated with preemption authority does not impact accident analyses, fission product barriers, or margin of safety. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above evaluation, PG&E concludes that the proposed change does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

4.3 Conclusions

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the NRC's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5. ENVIRONMENTAL CONSIDERATION

PG&E has evaluated the proposed amendment and has determined that the proposed amendment does not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

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6. REFERENCES

1. NRC Order EA-13-092, "Issuance of Order designating an interim class of NRC-licensed Facilities that are eligible to apply to the NRC for authorization to use the authority granted under Section 161A of the Atomic Energy Act of 1954, as amended and associated Federal Register Notice," (ML13038A114), dated June 5, 2013

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Attachment 1

List of Regulatory Commitments

Commitment 1

As specified in NRC Order, EA-13-092, PG&E will subject individuals who are assigned duties that require the possession, use, or access to firearms and devices listed in Section 161A.b to a firearms background check in accordance with Section 161A.c, "Background Checks," and the process specified in Attachment 3 to NRC Order EA-13-092. PG&E began submitting requests for firearms background checks for all persons working as a power reactor security officer to the NRC, on July 24, 2013, and will complete all firearms background checks on or before December 22, 2013.

Commitment 2

PG&E will notify the NRC after a sufficient number of personnel have successfully completed the requisite firearms background check such that the security organization can be staffed as specified in NRC approved security plans, and the site protective strategy and procedures can be effectively implemented, while meeting applicable fatigue requirements in 10 CFR Part 26, "Fitness for Duty Programs." PG&E will submit the notification in writing and under oath and affirmation.

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Attachment 2

Marked-up Facility Operating License Pages

The markups for the current Facility Operating License Nos. DPR-80 and DPR-82 for Units 1 and 2 of the Diablo Canyon Power Plant, respectively, and Special Nuclear Materials License No. SNM-2511 for the Diablo Canyon Independent Spent Fuel Storage Installation, are enclosed.

Security-Related Information

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*** ISSUED FOR USE BY:

DATE:

EXPIRES:

NRC FORM 588
(10-2000)
10 CFR 72

U. S. NUCLEAR REGULATORY COMMISSION

PAGE 1 OF 2 PAGES

LICENSE FOR INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter 1, Part 72, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, and possess the power reactor spent fuel and other radioactive materials associated with spent fuel storage designated below; to use such material for the purpose(s) and at the place(s) designated below; and to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified herein.

Licensee			
1.	Pacific Gas and Electric Company	3.	License No. SNM-2511
2.	Diablo Canyon Power Plant P.O. Box 56 Avila Beach, CA 93424		Amendment No. 2
		4.	Expiration Date March 22, 2024
		5.	Docket or Reference No. 72-26

6. Byproduct, Source, and/or Special Nuclear Material 7. Chemical and/or Physical Form 8. Maximum Amount That Licensee May Possess at Any One Time Under This License

A. Spent nuclear fuel from the Diablo Canyon Power Plant, Units 1 & 2, and associated radioactive materials related to receipt, transfer and storage of the fuel assemblies.

A. Spent fuel assemblies as UO₂, clad with zirconium alloy. Damaged fuel assemblies or fuel debris as UO₂ contained in Damaged Fuel Containers.

A. 2100 MTU of intact spent fuel assemblies, damaged fuel assemblies and fuel debris.

9. Authorized Use: The material identified in 6.A. and 7.A. above is authorized for receipt, possession, storage and transfer using the HI-STORM 100 dry cask storage system design as described in the Diablo Canyon ISFSI Safety Analysis Report dated December 21, 2001, as revised or supplemented on October 15, 2002, and October 3, 2003, March 22, 2006, June 26, 2008, and March 18, 2010 as further supplemented and amended in accordance with 10 CFR 72.70 and 10 CFR 72.48.
10. Authorized Place of Use: The licensed material is to be received, possessed, transferred and stored at the Diablo Canyon ISFSI located on the Diablo Canyon Power Plant site in San Luis Obispo County, California, near Avila Beach, California.
11. The Technical Specifications contained in the Appendix attached hereto are incorporated into the license. The licensee shall operate the installation in accordance with the Technical Specifications in the Appendix. The Appendix contains Technical Specifications related to environmental protection to satisfy the requirements of 10 CFR 72.44(d)(2).
12. The licensee shall follow the physical protection plan entitled, "Diablo Canyon Power Plant Physical Security Plan", dated April 18, 2002, as revised January 31, 2003, and the Safeguards Contingency Plan and the Guard Training and Qualification Plan incorporated therein, and as they may be further amended under the provisions of 10 CFR 72.44(e) and 10 CFR 72.180.

Insert #1 →

E. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54 (p). The combined set of plans, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Diablo Canyon Power Plant, Units 1 and 2 Physical Security Plan, by Training and Qualification Plan, and Safeguards Contingency Plan," submitted by letter dated May 16, 2006.

PG&E shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The PG&E CSP was approved by License Amendment No. 210.

Insert #1 →

F. Deleted.

G. Deleted.

H. Financial Protection

PG&E shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

I. Mitigation Strategy License Condition

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

(a) Fire fighting response strategy with the following elements:

1. Pre-defined coordinated fire response strategy and guidance
2. Assessment of mutual aid fire fighting assets
3. Designated staging areas for equipment and materials
4. Command and control
5. Training of response personnel

(b) Operations to mitigate fuel damage considering the following:

1. Protection and use of personnel assets
2. Communications
3. Minimizing fire spread
4. Procedures for implementing integrated fire response strategy
5. Identification of readily-available pre-staged equipment
6. Training on integrated fire response strategy
7. Spent fuel pool mitigation measures

D. Exemption (SSER 31, Section 6.2.6)

An exemption from certain requirements of Appendix J to 10 CFR Part 50 is described in the Office of Nuclear Reactor Regulation's Safety Evaluation Report, Supplement No. 9. This exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, this exemption previously granted in Facility Operating License No. DPR-81 pursuant to 10 CFR 50.12 is hereby reaffirmed. The facility will operate, with the exemption authorized, in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission.

E. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provision of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Diablo Canyon Power Plant, Units 1 and 2 Physical Security Plan, Training and Qualification Plan and Safeguards Contingency Plan," submitted by letter dated May 16, 2006.

PG&E shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The PG&E CSP was approved by License Amendment No. 212.

Insert #1 →

F. Deleted.

G. Deleted.

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Insert #1:

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment [Amendment number] that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

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Attachment 3

Preemption Authority Request: Specific State Laws or Regulations

This attachment consists of three sections. In section one, the legal provisions contained within the California Business and Professions Code, Division 3, Chapter 11.5, Private Security Services regarding security officer training and certification that necessitates stand-alone preemption authority are stated. In section two, the legal provisions contained within the California Penal Code, Title 2, Chapter 1, Article 4, Section 27535 regarding restrictions on firearms purchases per month that necessitates stand-alone preemption authority are stated. In section three, the legal provisions contained within the California Penal Code, Title 2, Articles 1 through 8, Sections 30500 through 31115, Chapter 5, Article 1, Section 32310 through 32390, and Chapter 6, Article 3, Sections 32650 through 32670 regarding restrictions and registration requirements on semi-automatic assault weapons and high-capacity magazines that necessitate stand-alone preemption authority are stated.

1. California Business and Professions Code, Division 3, Chapter 11.5, Private Security Services

California Business and Professions Code, Division 3, Chapter 11.5 requires that all persons engaged as a private patrol officer must be trained and certified (i.e., licensed) according to the rules and regulations identified within Chapter 11.5.

While there are some portions of Chapter 11.5 that may not be directly applicable to PG&E, such as provisions describing situations in which licensing is not required, parsing out such provisions would, in PG&E's view, create confusion and some ambiguity. For that reason, PG&E requests stand-alone preemption authority for all of the requirements within California Business and Professions Code, Division 3, Chapter 11.5.

2. California Penal Code, Title 2, Chapter 1, Article 4, Section 27535

The following restriction on firearms purchases per month stated in Section 27535 necessitates stand-alone preemption authority:

Section 27535

(a) No person shall make an application to purchase more than one handgun within any 30-day period.

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3. California Penal Code, Title 2, Chapter 2, Articles 1 through 8, Sections 30500 through 31115, Chapter 5, Article 1, Section 32310 through 32390, and Chapter 6, Article 3, Sections 32650 through 32670

California Penal Code sections pertaining to assault weapons are found in Chapter 2, Articles 1 through 8, Sections 30500 through 31115. California Penal Code sections pertaining to large-capacity magazines are found in Chapter 5, Article 1, Sections 32310 through 32390, and Chapter 6, Article 3, Sections 32650 through 32670. The portions of these sections regarding assault weapons and high-capacity magazines that necessitate stand-alone preemption authority are provided below.

Chapter 2, Article 1, Sections 30500 through 30530 (General Provisions)

Section 30510

As used in this chapter and in Sections 16780, 17000, and 27555, "assault weapon" means the following designated semiautomatic firearms:

- (a) All of the following specified rifles:
- (1) All AK series including, but not limited to, the models identified as follows:
 - (A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.
 - (B) Norinco 56, 56S, 84S, and 86S.
 - (C) Poly Technologies AKS and AK47.
 - (D) MAADI AK47 and ARM.
 - (2) UZI and Galil.
 - (3) Beretta AR-70.
 - (4) CETME Sporter.
 - (5) Colt AR-15 series.
 - (6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.
 - (7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.
 - (8) MAS 223.
 - (9) HK-91, HK-93, HK-94, and HK-PSG-1.
 - (10) The following MAC types:
 - (A) RPB Industries Inc. sM10 and sM11.
 - (B) SWD Incorporated M11.
 - (11) SKS with detachable magazine.
 - (12) SIG AMT, PE-57, SG 550, and SG 551.
 - (13) Springfield Armory BM59 and SAR-48.
 - (14) Sterling MK-6.
 - (15) Steyer AUG.
 - (16) Valmet M62S, M71S, and M78S.
 - (17) Armalite AR-180.

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- (18) *Bushmaster Assault Rifle.*
 - (19) *Calico M-900.*
 - (20) *J&R ENG M-68.*
 - (21) *Weaver Arms Nighthawk.*
- (b) *All of the following specified pistols:*
- (1) *UZI.*
 - (2) *Encom MP-9 and MP-45.*
 - (3) *The following MAC types:*
 - (A) *RPB Industries Inc. sM10 and sM11.*
 - (B) *SWD Incorporated M-11.*
 - (C) *Advance Armament Inc. M-11.*
 - (D) *Military Armament Corp. Ingram M-11.*
 - (4) *Intratec TEC-9.*
 - (5) *Sites Spectre.*
 - (6) *Sterling MK-7.*
 - (7) *Calico M-950.*
 - (8) *Bushmaster Pistol.*
- (c) *All of the following specified shotguns:*
- (1) *Franchi SPAS 12 and LAW 12.*
 - (2) *Striker 12.*
 - (3) *The Streetsweeper type S/S Inc. SS/12.*
- (d) *Any firearm declared to be an assault weapon by the court pursuant to former Section 12276.5, as it read in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes of 1991, which is specified as an assault weapon in a list promulgated pursuant to former Section 12276.5, as it read in Section 3 of Chapter 954 of the Statutes of 1991.*
- (e) *This section is declaratory of existing law and a clarification of the law and the Legislature's intent which bans the weapons enumerated in this section, the weapons included in the list promulgated by the Attorney General pursuant to former Section 12276.5, as it read in Section 3 of Chapter 954 of the Statutes of 1991, and any other models that are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this section because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.*

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- (f) *As used in this section, "series" includes all other models that are only variations, with minor differences, of those models listed in subdivision (a), regardless of the manufacturer.*

Section 30515

- (a) *Notwithstanding Section 30510, "assault weapon" also means any of the following:*
- (1) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:*
 - (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.*
 - (B) A thumbhole stock.*
 - (C) A folding or telescoping stock.*
 - (D) A grenade launcher or flare launcher.*
 - (E) A flash suppressor.*
 - (F) A forward pistol grip.*
 - (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.*
 - (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.*
 - (4) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:*
 - (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.*
 - (B) A second handgrip.*
 - (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.*
 - (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.*
 - (5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.*
 - (6) A semiautomatic shotgun that has both of the following:*
 - (A) A folding or telescoping stock.*
 - (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.*
 - (7) A semiautomatic shotgun that has the ability to accept a detachable magazine.*
 - (8) Any shotgun with a revolving cylinder.*

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Section 30525

As used in this part, ".50 BMG cartridge" means a cartridge that is designed and intended to be fired from a center fire rifle and that meets all of the following criteria:

- (a) It has an overall length of 5.54 inches from the base to the tip of the bullet.*
- (b) The bullet diameter for the cartridge is from .510 to, and including, .511 inch.*
- (c) The case base diameter for the cartridge is from .800 inch to, and including, .804 inch.*
- (d) The cartridge case length is 3.91 inches.*

Section 30530

- (a) As used in this part, ".50 BMG rifle" means a center fire rifle that can fire a .50 BMG cartridge and is not already an assault weapon or a machinegun.*
- (b) A ".50 BMG rifle" does not include any antique firearm, nor any curio or relic as defined in Section 478.11 of Title 27 of the Code of Federal Regulations.*

Chapter 2, Article 2, Sections 30600 through 30675 (Unlawful Acts Relating to Assault Weapons and .50 BMG Rifles)

Section 30600

- (a) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon or any .50 BMG rifle, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for four, six, or eight years.*
- (b) In addition and consecutive to the punishment imposed under subdivision (a), any person who transfers, lends, sells, or gives any assault weapon or any .50 BMG rifle to a minor in violation of subdivision (a) shall receive an enhancement of imprisonment pursuant to subdivision (h) of Section 1170 of one year.*
- (c) Except in the case of a first violation involving not more than two firearms as provided in Sections 30605 and 30610, for purposes of this article, if more*

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than one assault weapon or .50 BMG rifle is involved in any violation of this article, there shall be a distinct and separate offense for each.

Section 30605

- (a) Any person who, within this state, possesses any assault weapon, except as provided in this chapter, shall be punished by imprisonment in a county jail for a period not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (b) Notwithstanding subdivision (a), a first violation of these provisions is punishable by a fine not exceeding five hundred dollars (\$500) if the person was found in possession of no more than two firearms in compliance with Section 30945 and the person meets all of the following conditions:
- (1) The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon.
 - (2) The person has not previously been convicted of a violation of this article.
 - (3) The person was found to be in possession of the assault weapon within one year following the end of the one-year registration period established pursuant to Section 30900.
 - (4) The person relinquished the firearm pursuant to Section 31100, in which case the assault weapon shall be destroyed pursuant to Sections 18000 and 18005.

Section 30610

- (a) Any person who, within this state, possesses any .50 BMG rifle, except as provided in this chapter, shall be punished by a fine of one thousand dollars (\$1,000), imprisonment in a county jail for a period not to exceed one year, or by both that fine and imprisonment.
- (b) Notwithstanding subdivision (a), a first violation of these provisions is punishable by a fine not exceeding five hundred dollars (\$500) if the person was found in possession of no more than two firearms in compliance with Section 30905 and the person satisfies all of the following conditions:
- (1) The person proves that he or she lawfully possessed the .50 BMG rifle prior to January 1, 2005.
 - (2) The person has not previously been convicted of a violation of this article.
 - (3) The person was found to be in possession of the .50 BMG rifle within one year following the end of the .50 BMG rifle registration period established pursuant to Section 30905.
- (c) Firearms seized pursuant to this section from persons who meet all of the conditions in paragraphs (1), (2), and (3) of subdivision (b) shall be returned

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unless the court finds in the interest of public safety, after notice and hearing, that the .50 BMG rifle should be destroyed pursuant to Sections 18000 and 18005. Firearms seized from persons who do not meet the conditions set forth in paragraphs (1), (2), and (3) of subdivision (b) shall be destroyed pursuant to Sections 18000 and 18005.

Section 30615

Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this article may receive an additional, consecutive punishment of one year for violating this article, in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

Section 30620

As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

- (a) The effective date of an amendment to Section 30510 or to former Section 12276 that adds the designation of the specified firearm.*
- (b) The effective date of the list promulgated pursuant to former Section 12276.5, as that section read in Section 3 of Chapter 954 of the Statutes of 1991, which adds or changes the designation of the specified firearm.*
- (c) January 1, 2000, which was the operative date of former Section 12276.1, as enacted by Section 7 of Chapter 129 of the Statutes of 1999.*

Chapter 2, Article 4, Section 30800 (Assault Weapon or .50 BMG Rifle Constituting Nuisance)

Section 30800

- (a)*
 - (1) Except as provided in Article 2 (commencing with Section 30600), possession of any assault weapon or of any .50 BMG rifle in violation of this chapter is a public nuisance, solely for purposes of this section and subdivision (c) of Section 18005.*
 - (2) The Attorney General, any district attorney, or any city attorney, may, in lieu of criminal prosecution, bring a civil action or reach a civil compromise in any superior court to enjoin the possession of the assault weapon or .50 BMG rifle that is a public nuisance.*

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- (b) Upon motion of the Attorney General, district attorney, or city attorney, a superior court may impose a civil fine not to exceed three hundred dollars (\$300) for the first assault weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a) and up to one hundred dollars (\$100) for each additional assault weapon or .50 BMG rifle deemed a public nuisance pursuant to subdivision (a).
- (c) Any assault weapon or .50 BMG rifle deemed a public nuisance under subdivision (a) shall be destroyed in a manner so that it may no longer be used, except upon a finding by a court, or a declaration from the Department of Justice, district attorney, or city attorney stating that the preservation of the assault weapon or .50 BMG rifle is in the interest of justice.
- (d) Upon conviction of any misdemeanor or felony involving the illegal possession or use of an assault weapon, the assault weapon shall be deemed a public nuisance and disposed of pursuant to subdivision (c) of Section 18005.

Chapter 2, Article 5, Sections 30900 through 30965 (Registration of Assault Weapons and .50 BMG Rifles and Related Rules)

Section 30900

- (a) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the date it was specified as an assault weapon pursuant to former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.
- (b) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, as it read in Section 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the

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firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

- (c) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.*
- (d) The department may charge a fee for registration of up to twenty dollars (\$20) per person but not to exceed the actual processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. The fees shall be deposited into the Dealers' Record of Sale Special Account.*

Section 30905

- (a) Except as provided in Section 30600, any person who lawfully possesses any .50 BMG rifle prior to January 1, 2005, that is not specified as an assault weapon under former Section 12276, as it reads in Section 19 of Chapter 606 of the Statutes of 1993, or former Section 12276.5, as it reads in Section 3 of Chapter 954 of the Statutes of 1991, or defined as an assault weapon pursuant to former Section 12276.1, as it reads in Section 3 of Chapter 911 of the Statutes of 2002, shall register the .50 BMG rifle with the department no later than April 30, 2006, pursuant to those procedures that the department may establish.*
- (b) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.*
- (c) The department may charge a fee for registration of twenty-five dollars (\$25) per person to cover the actual processing and public education campaign costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account. Data-processing costs associated with modifying the department's data system to accommodate .50 caliber BMG rifles shall not be paid from the Dealers' Record of Sale Special Account.*

Section 30910

Except as provided in Section 30925, no assault weapon possessed pursuant to this article may be sold or transferred on or after January 1, 1990, to anyone

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within this state other than to a licensed gun dealer or as provided in Section 31100.

Section 30920

(a) *Any person who lawfully possessed a firearm subsequently declared to be an assault weapon pursuant to former Section 12276.5, as it reads in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes of 1991, or subsequently defined as an assault weapon pursuant to former Section 12276.1, as that section read at any time from when it was enacted by Section 7 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons Recodification Act of 2010, shall, within 90 days, do one or more of the following:*

- (1) Render the weapon permanently inoperable.*
- (2) Sell the weapon to a licensed gun dealer.*
- (3) Obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.*
- (4) Remove the weapon from this state.*

(b) *Notwithstanding subdivision (a), a person who lawfully possessed a firearm that was subsequently declared to be an assault weapon pursuant to former Section 12276.5 may alternatively register the firearm within 90 days of the declaration issued pursuant to subdivision (f) of former Section 12276.5, as it reads in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes of 1991.*

Section 30930

Except as provided in Section 30940, no .50 BMG rifle possessed pursuant to this article may be sold or transferred on or after January 1, 2005, to anyone within this state other than to a licensed gun dealer or as provided in Section 31100.

Section 30945

Unless a permit allowing additional uses is first obtained under Section 31000, a person who has registered an assault weapon or registered a .50 BMG rifle under this article may possess it only under any of the following conditions:

- (a) At that person's residence, place of business, or other property owned by that person, or on property owned by another with the owner's express permission.*

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- (b) *While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.*
- (c) *While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.*
- (d) *While on the premises of a shooting club that is licensed pursuant to the Fish and Game Code.*
- (e) *While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.*
- (f) *While on publicly owned land, if the possession and use of a firearm described in Section 30510, 30515, 30520, or 30530, is specifically permitted by the managing agency of the land.*
- (g) *While transporting the assault weapon or .50 BMG rifle between any of the places mentioned in this section, or to any licensed gun dealer, for servicing or repair pursuant to Section 31050, if the assault weapon is transported as required by Sections 16850 and 25610.*

Chapter 2, Article 6, Sections 31000 through 31005 (Permits for Assault Weapons and .50 BMG Rifles)

Section 31000

- (a) *Any person who lawfully acquired an assault weapon before June 1, 1989, or a .50 BMG rifle before January 1, 2005, and wishes to use it in a manner different than specified in Section 30945 shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.*
- (b) *Any person who lawfully acquired an assault weapon between June 1, 1989, and January 1, 1990, and wishes to keep it after January 1, 1990, shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.*
- (c) *Any person who wishes to acquire an assault weapon after January 1, 1990, or a .50 BMG rifle after January 1, 2005, shall first obtain a permit from the Department of Justice in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.*

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Section 31005

(a) *The Department of Justice may, upon a finding of good cause, issue permits for the manufacture or sale of assault weapons or .50 BMG rifles for the sale to, purchase by, or possession of assault weapons or .50 BMG rifles by, any of the following:*

- (1) The agencies listed in Section 30625, and the officers described in Section 30630.*
- (2) Entities and persons who have been issued permits pursuant to this section or Section 31000.*
- (3) Federal law enforcement and military agencies.*
- (4) Law enforcement and military agencies of other states.*
- (5) Foreign governments and agencies approved by the United States State Department.*
- (6) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (3) to (5), inclusive.*

(b) *Application for the permits, the keeping and inspection thereof, and the revocation of permits shall be undertaken in the same manner as specified in Article 3 (commencing with Section 32650) of Chapter 6.*

Chapter 2, Article 8, Sections 31100 through 31115 (Miscellaneous Provisions)

Section 31110

(a) *Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of assault weapons.*

(b) *A person, firm, or corporation with an inventory of fewer than five devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.*

Chapter 5, Article 1, Sections 32310 through 32390 (Rules Governing Large-Capacity Magazines)

Section 32310

Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2,

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commencing January 1, 2000, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.

Section 32315

Upon a showing that good cause exists, the Department of Justice may issue permits for the possession, transportation, or sale between a person licensed pursuant to Sections 26700 to 26915, inclusive, and an out-of-state client, of large-capacity magazines.

Section 32390

Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any large-capacity magazine is a nuisance and is subject to Section 18010.

Chapter 6, Article 3, Sections 32650 through 32670 (Permits) [note: Although these sections reference "machine guns," they are included in this response because they also apply to permits for assault weapons and high-capacity magazines, per Sections 32100 and 32315].

Section 32650

The Department of Justice may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns, upon a satisfactory showing that good cause exists for the issuance of the permit to the applicant. No permit shall be issued to a person who is under 18 years of age.

Section 32655

(a) An application for a permit under this article shall satisfy all of the following conditions:

- (1) It shall be filed in writing.
- (2) It shall be signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation.
- (3) It shall state the applicant's name.
- (4) It shall state the business in which the applicant is engaged.
- (5) It shall state the applicant's business address.
- (6) It shall include a full description of the use to which the firearms are to be put.

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- (b) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.*
- (c) Each applicant for a permit shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice.*
- (d) A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee, which shall not exceed the application processing costs of the Department of Justice.*

Section 32660

Every person, firm, or corporation to whom a permit is issued under this article shall keep it on the person or at the place where the firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

Section 32665

A permit issued in accordance with this chapter may be revoked by the issuing authority at any time, when it appears that the need for the firearms has ceased or that the holder of the permit has used the firearms for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

Section 32670

- (a) Except as provided in subdivision (b), the Department of Justice shall, for every person, firm, or corporation to whom a permit is issued pursuant to this article, annually conduct an inspection for security and safe storage purposes, and to reconcile the inventory of machineguns.*
- (b) A person, firm, or corporation with an inventory of fewer than five devices that require any Department of Justice permit shall be subject to an inspection for security and safe storage purposes, and to reconcile inventory, once every five years, or more frequently if determined by the department.*