

No. 16-001

January 6, 2016

CONTACT: David McIntyre, 301-415-8200

NRC Grants Weapons Pre-Emption Authority to Nuclear Facilities in Two States

The Nuclear Regulatory Commission has granted pre-emption authority to nuclear facilities in New York and California, allowing their security forces to possess and use certain firearms and related devices despite local, state or federal laws and regulations restricting their use.

The facilities are the Indian Point, James A. FitzPatrick, Nine Mile Point and R.E. Ginna nuclear power plants in New York and the San Onofre and Diablo Canyon nuclear power plants in California, as well as their dry cask spent fuel storage facilities.

The Energy Policy Act of 2005 gave the NRC authority to permit security forces at NRC-licensed facilities to possess and use certain 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 NRC’s 2009 publication of guidelines on the use of firearms at NRC-licensed facilities, which were approved by the Attorney General.

Pre-emption authority helps ensure the facilities can maintain capabilities described in their current NRC-approved security plans. This authority is being granted through Orders and license amendments.