



**Pacific Gas and
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March 2, 2012

PG&E Letter DCL-12-025

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Director, Division of Security Policy
Office of Nuclear Security and Incident Response
Washington, DC 20555-0001

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

Response to NRC Request for Additional Information on "Application for Stand-Alone Preemption Authority Under 42 U.S.C. 2201a"

- Reference: 1. PG&E Letter DCL-11-130, "Application for Stand-Alone Preemption Authority Under 42 U.S.C. 2201a," dated December 22, 2011
2. NRC Request for Additional Information Regarding Preemption Request (ME7792 and ME7793), dated February 01, 2012

In Reference 1, Pacific Gas and Electric Company (PG&E) applied for stand-alone preemption authority under 42 U.S.C. 2201a.

On February 1, 2012, the NRC Staff provided a request for additional information (RAI) via e-mail (Reference 2). Attached enclosures to this letter provide PG&E's response to the NRC RAI questions. PG&E requests that the Enclosure 2, which contain security-related Information, be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1).

PG&E makes no regulatory commitments (as defined by NEI 99-04) in this letter or Enclosures.

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

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Document Control Desk
March 2, 2012
Page 2

PG&E Letter DCL-12-025

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

Executed on March 2, 2011.

Sincerely,

A handwritten signature in blue ink that reads "Jim M. Becker for".

James R. Becker
Site Vice President

rnnt/4231

Enclosures

cc: Diablo Distribution
cc/enc: Elmo E. Collins, NRC Region IV
Michael S. Peck, NRC Senior Resident
Joseph T. Sebrosky, NRR Project Manager
Alan B. Wang, NRR Project Manage

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SECURITY RELATED INFORMATION

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Enclosure 1
PG&E Letter DCL-12-025

Responses to Request for Additional Information Question 1 Regarding:
"Application for Stand-Alone Preemption Authority Under 42 U.S.C. 2201a"

Diablo Canyon Power Plant, Units 1 and 2
Diablo Canyon Independent Spent Fuel Storage Installation

SECURITY RELATED INFORMATION

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Responses to Request for Additional Information Question 1 Regarding:
"Application for Stand-Alone Preemption Authority Under 42 U.S.C. 2201a"

Question 1: *Please identify and provide the specific state laws or regulations for which the licensee is requesting stand-alone preemption authority.*

- a. *State 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.*

Pacific Gas and Electric Response:

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.

- b. *State the legal provisions contained within the California Penal Code, Title 2, Chapter 1, Article 4, Section 12072 (a) regarding restrictions on firearms purchases per month that necessitates stand-alone preemption authority.*

Pacific Gas and Electric Response:

In January 2012, the California Penal Code provisions related to firearms were renumbered in their entirety. California Penal Code, Title 2, Chapter 1, Article 4, Section 12072(a) is now contained in Sections 27500-27590. The portions of these sections regarding restrictions on firearms purchases per month that necessitate stand-alone preemption authority are:

Section 27535

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

- c. *State the legal provisions contained within the California Penal Code, Title 2, Chapter 2.3, Articles 1 thru 3, Sections 12275 thru 12289.5, regarding restrictions and registration requirements on semi-automatic assault weapons and high-capacity magazines that necessitates stand-alone preemption authority.*

Pacific Gas and Electric Response:

In January 2012, the California Penal Code provisions related to firearms were renumbered in their entirety. California Penal Code sections pertaining to assault weapons are now found in Chapter 2, Articles 1 through 8, Sections 30500 – 31115. California Penal Code sections pertaining to large-capacity magazines are now found in Chapter 5, Articles 1 and 2, Sections 32310 – 32450. 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 – 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.*

SECURITY RELATED INFORMATION

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Enclosure 1
PG&E Letter DCL-12-025

- (15) Steyer AUG.
- (16) Valmet M62S, M71S, and M78S.
- (17) Armalite AR-180.
- (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.*

Security-Related Information

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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.

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:

SECURITY RELATED INFORMATION

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Enclosure 1

PG&E Letter DCL-12-025

- (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 – 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 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*

Security-Related Information

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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 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.
- (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 – 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 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 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.*
- (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 – 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.*

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 – 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 – 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, 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 in the state prison.

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 – 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.*

- (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.*

~~SECURITY RELATED INFORMATION~~

~~Withhold from Public Disclosure in Accordance with 10 CFR 2.390~~

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~~Enclosure 2~~

PG&E Letter DCL-12-025

Responses to Request for Additional Information Questions 2 and 3 Regarding:
"Application for Stand-Alone Preemption Authority Under 42 U.S.C. 2201a"

Diablo Canyon Power Plant, Units 1 and 2
Diablo Canyon Independent Spent Fuel Storage Installation

~~SECURITY RELATED INFORMATION~~

~~Withhold from Public Disclosure in Accordance with 10 CFR 2.390~~

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