

January 5, 2016

The Honorable Andrew M. Cuomo
Governor of New York
Albany, NY 12224

Dear Governor Cuomo:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to inform you that the Commission is granting a limited class of NRC-licensed facilities in the State of New York permission to use the preemption authority granted to the Commission under Section 161A of the Atomic Energy Act of 1954, as amended (42 United States Code § 2201a). This authority permits the licensee to transfer, receive, possess, transport, import, and use certain weapons, ammunition, and other devices notwithstanding State, local, and certain Federal firearms laws that would otherwise prohibit such actions.

The NRC is taking this action to ensure the continued implementation of effective physical security strategies at designated NRC-licensed facilities in advance of a final rulemaking on this matter. A letter dated May 31, 2013, informed you of the Commission's intent to implement its authority under Section 161A through the issuance of orders in advance of a final rulemaking on this matter. Subsequently, on June 5, 2013, the Commission issued an order designating Indian Point Nuclear Generating, James A. FitzPatrick Nuclear Power Plant, Nine Mile Point Nuclear Station, and R.E. Ginna Nuclear Power Plant as eligible to apply to the Commission for authorization to use Section 161A preemption authority. In response to the order, the licensees of the above designated facilities submitted to the Commission a request that the NRC grant the authority to use Section 161A at these designated facilities. The Commission has reviewed these requests and is approving the use of Section 161A preemption authority at these facilities.

The NRC's granting of this authority will be documented in a confirmatory order issued separately to each of the above facilities in accordance with established NRC processes. If you have any questions on this matter, please contact me or Melanie Galloway, Director of the NRC's Division of Security Policy in the Office of Nuclear Security and Incident Response at (301) 287-3598.

Sincerely,

/RA/

Stephen G. Burns