

The Honorable Jerry Brown
Governor of California
Sacramento, CA 95814

Dear Governor Brown:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am informing you of an action the Commission is taking to grant a limited class of NRC-licensed facilities in the State of California permission to use the preemption authority granted to the Commission under Section 161A of the Atomic Energy Act of 1954 (AEA), 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 local, State, and certain Federal firearms laws (including regulations) that would otherwise prohibit such actions.

The NRC is taking this action to ensure continued maintenance of the necessary security posture 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 of the Atomic Energy Act of 1954, as amended, through the issuance of Orders in advance of a final rulemaking on this matter. Subsequently, on June 5, 2013, the Commission issued an order (Enforcement Action 13-092) entitled, "Order Designating an Interim Class of NRC-Licensed Facilities that are Eligible to Apply to the Commission for Authorization to use the Authority Granted Under the Provisions of Section 161A of the Atomic Energy Act of 1954, as Amended." A copy of this order is available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13121A459.

The order designated San Onofre Nuclear Generating Station, and Diablo Canyon 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 by the appropriate NRC licensing office. These confirmatory orders will be issued in accordance with established NRC processes.

If you have any questions on this matter, please contact me or Christiana Lui, Director of the NRC's Division of Security Policy in the Office of Nuclear Security and Incident Response at (301) 287-3598.

Sincerely,

Stephen G. Burns

DRAFT