

October 25, 2010

STATE LIAISON OFFICERS
ALL AGREEMENT AND NON-AGREEMENT STATES
ALL STATE TRANSPORTATION CONTACTS

NOTICE OF PUBLICATION OF PROPOSED RULE TO AMEND 10 CFR 73.37,
“REQUIREMENTS FOR PHYSICAL SECURITY OF IRRADIATED REACTOR FUEL
(SPENT NUCLEAR FUEL) IN TRANSIT” (FSME-10-090)

Purpose: To inform you of the opportunity to comment¹ on the proposed rule on the physical protection of irradiated reactor fuel in transit. For purposes of this rulemaking, the terms “irradiated reactor fuel” and “spent nuclear fuel” are used interchangeably.

Background: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its security regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) 73.37 pertaining to the transport of irradiated reactor fuel. The proposed rule was published in the *Federal Register*

¹ This information request has been approved by OMB 3150-0163, expiration 1/31/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-1 0202 (3150-0163), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

This information request has been approved by OMB 3150-0200, expiration 08/03/2011. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0200), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

This information request has previously been approved by OMB 3150-0029 and was resubmitted to OMB for review of continued approval of information collection. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

(75 FR 62695) on October 13, 2010. The rule is posted at <http://www.regulations.gov> under Docket ID NRC-2009-0163. The public comment period ends January 11, 2011.

Discussion: Although the current 10 CFR 73.37 has changed little since its promulgation in 1980, there have been significant changes in the threat environment. The terrorist attacks of September 11, 2001 heightened concerns about the use of risk-significant radioactive materials in a malevolent act. After the terrorist attacks of September 11, 2001, the NRC issued a series of security-related orders to specific licensees. The proposed rulemaking would establish generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001. The proposed requirements would establish acceptable performance objectives for the protection of spent nuclear fuel in transit from theft, diversion or radiological sabotage.

The NRC is requesting comments from the States on the proposed rule language regarding planning and coordination for a spent nuclear fuel shipment in 10 CFR 73.37(b)(1). The NRC is also requesting comments on the enclosed draft Environmental Assessment (EA) that has been prepared in support of the proposed rule. If you have any comments on the proposed rule or the draft EA, please submit them by January 11, 2011.

NRC point of contact: If you have any questions regarding this communication, please contact me at 301-415-7278 or the individual named below.

POINT OF CONTACT: Cardelia Maupin
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INTERNET: Cardelia.Maupin@nrc.gov
FAX: (301) 415-5955

Sincerely,

/RA/

Josephine M. Piccone, Director
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
Draft Environmental Assessment

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Enclosure:
Draft Environmental Assessment

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