

JUN 23 2008



Homeland
Security

Marvin S. Fertel,
Executive Vice President and Chief Nuclear Officer
Nuclear Energy Institute
1776 I. Street, NW Suite 400
Washington, DC 20006-3708

Dear Mr. Fertel:

Thank you for your letter on behalf of the nuclear energy industry with respect to implementation of the REAL ID Act of 2005.

As you probably know, the Department of Homeland Security (DHS) granted extensions of the compliance date to meet the requirements of the REAL ID Act of 2005 (Public Law 109-13) to all fifty-six (56) jurisdictions. These extensions delay enforcement of the REAL ID Act and its regulations until January 1, 2010.

In addition, the REAL ID Act only affects access to nuclear power plants and other specified official purposes (such as accessing a federal facility or boarding a federally-regulated commercial aircraft) to the extent that individuals choose to present State-issued driver's licenses or identification cards ("license") when prompted for an identification document pursuant to the facility's current security practices. It does not add, modify or remove any other access or screening requirements, including control procedures used for access that may already be in place at a nuclear power plant. The authority of the Act extends only to those instances where State-issued driver's license or identification cards are acceptable and presented.

If a State-issued license is acceptable under current security practices at a particular nuclear plant and if an individual presents such a document for purposes of identification, then that document must be issued by a State that meets the requirements of REAL ID. At this time, all States meet the requirements as all States have been granted an extension of the compliance date as discussed above. If a State-issued license from a non-compliant State is presented, then that document cannot be accepted for purposes of identification for access to a nuclear power plant, escorted or unescorted. Again, the Act does not stipulate other forms of identification that an individual may choose to present – or a nuclear plant may choose to accept – for identification purposes.

It is also important to note that REAL ID does not interfere with standards already set by the Nuclear Regulatory Commission (NRC), and other regulatory bodies that may govern access to nuclear power plants. It only states that when a State-issued driver's license must be presented to access a nuclear power plant, that license must be issued from a State in compliance with the Act.

DHS will continue to keep NRC and the nuclear sector, through its Nuclear Joint Sector Committee, informed as States move toward implementation of the REAL ID Act and as the next relevant compliance date, December 31, 2009, approaches.

I appreciate the opportunity to answer your questions and clarify the scope of authority of the REAL ID Act and regulation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathleen Kraninger', with a long horizontal flourish extending to the right.

Kathleen Kraninger
Deputy Assistant Secretary
Policy (Screening Coordination Office)