

January 27, 2010

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy
and Environment
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed is a copy of a *Federal Register* Notice denying a petition for rulemaking (PRM) submitted by the Natural Resources Defense Council (NRDC). The petitioner requested the U. S. Nuclear Regulatory Commission (NRC) to amend the regulations governing the use of highly enriched uranium (HEU) to establish a date prohibiting its use in domestic non-power reactors and to establish a date by which the NRC would no longer authorize the export of HEU.

The Commission has found that the requested rulemaking would not be consistent with the process established by Congress in 2005, when it amended the Atomic Energy Act to promote phasing out the use of HEU over time, and to authorize the export of HEU to specific countries. The amendment did not set a date for ending all civilian use of HEU. Granting the petition could interfere with the supply of medical radioisotopes produced by foreign facilities that use HEU targets, and would likely lead to shortages of these medical radioisotopes in the United States. Granting the petition would also disrupt the operation of certain research and test reactors, adversely affecting ongoing engineering and research programs.

Further details regarding the petition and the reasons for its denial are set forth in the enclosure.

Sincerely,

/RA/

Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Fred Upton

January 27, 2010

The Honorable Thomas R. Carper
Chairman, Subcommittee on Clean Air
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed is a copy of a *Federal Register* Notice denying a petition for rulemaking (PRM) submitted by the Natural Resources Defense Council (NRDC). The petitioner requested the U. S. Nuclear Regulatory Commission (NRC) to amend the regulations governing the use of highly enriched uranium (HEU) to establish a date prohibiting its use in domestic non-power reactors and to establish a date by which the NRC would no longer authorize the export of HEU.

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Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator David Vitter

January 27, 2010

The Honorable Barbara Boxer
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chairman:

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Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Senator James M. Inhofe

January 27, 2010

The Honorable Henry A. Waxman
Chairman, Committee on Energy
and Commerce
United States House of Representatives
Washington, DC 20515

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Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

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Rebecca L. Schmidt, Director
Office of Congressional Affairs

Enclosure:
Federal Register Notice

cc: Representative Joe Barton

Identical Letters sent to: The Honorable Thomas Carper with cc to Senator David Vitter, The Honorable Barbara Boxer with cc to Senator James M. Inhofe, and The Honorable Edward J. Markley with cc to Representative Fred Upton

Distribution: PFPB/PRAB r/f

OCA r/f

RDB/ADM r/f

* See previous concurrences

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OFFICE	DRP:PRAB:PM	DPR:PRAB:BC	DPR: D	ADM/RDB	OCA: D
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DATE	7/1/09	7/9/09	7/14/09	7/24/09	1/27/10

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