

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:

The U.S. Nuclear Regulatory Commission (NRC) intends to publish a proposed rule in the *Federal Register* that would amend its security regulations pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms “irradiated reactor fuel” and “spent nuclear fuel” are used interchangeably).

After the terrorist attacks of September 11, 2001, the NRC issued a series of security-related orders to specific licensees. In the area of spent nuclear fuel transit security, the orders were issued to licensees who ship or receive spent nuclear fuel and those planning to ship or receive spent nuclear fuel. The orders were issued as immediately effective under NRC’s authority to protect the common defense and security under the Atomic Energy Act of 1954, as amended.

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 rulemaking would add several new requirements not derived directly from the security order requirements, but developed as a result of insights gained by performing security assessments of potential security vulnerabilities associated with spent nuclear fuel transportation, and from implementation of the security orders. The proposed requirements would establish acceptable performance objectives for the protection of spent nuclear fuel in transit from theft, diversion, or radiological sabotage. These requirements would ensure that spent nuclear fuel is shipped in a manner that protects the common defense and security and public health and safety.

Sincerely,

Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
*Federal Register* Notice

cc: Representative Fred Upton

The Honorable Edward J. Markey  
Chairman, Subcommittee on Energy and Environment  
Committee on Energy and Commerce  
United States House of Representatives  
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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 Henry A. Waxman with cc to Representative Joe Barton

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

Dear Mr. Chairman:

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

Dear Madam Chairman:

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