

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Dec 28, 2010 09:19

PAPER NUMBER:	LTR-10-0547	LOGGING DATE:	12/27/2010
ACTION OFFICE:	SECY		
AUTHOR:	Dr. Edwin Lyman		
AFFILIATION:	UCS		
ADDRESSEE:	CHRM Gregory Jaczko		
SUBJECT:	Request for the release of SECY-09-0123 - Material Characterization and Future Fuel Cycle Security-Related Rulemaking		
ACTION:	Appropriate		
DISTRIBUTION:	RF		
LETTER DATE:	12/20/2010		
ACKNOWLEDGED	No		
SPECIAL HANDLING:	Note: SECY/OPS checked with OEDO/OGC regarding this request and is following up with the Commission.		
NOTES:			
FILE LOCATION:	ADAMS - ML103620138		
DATE DUE:		DATE SIGNED:	

December 20, 2010

The Honorable Gregory Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555
By fax: (301) 415-1672

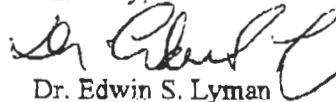
Dear Chairman Jaczko,

I am writing in reference to SECY-09-0123, "Material Characterization and Future Fuel Cycle Facility Security-Related Rulemaking." This document is not available to the public, even though the related Staff Requirements Memorandum (SRM), as well as two votes of members of the Commission (yours and Commissioner Magwood's) have been released. We request that the SECY document, with the exception of the classified attachment, be publicly released.

From the SRM, we understand that SECY-09-0123 contains a staff request to "pursue a revised categorization scheme for special nuclear material (SNM), which includes a material attractiveness approach, as part of the rulemaking to update SNM and fuel cycle facility security-related regulations." From the vote of Commissioner Magwood, we also understand that the staff request includes a proposal to "change the [security] categorization of MOX fuel for the purpose of fuel transportation." We presume from the Commissioner's language that staff proposes to reduce the security requirements for MOX fuel transport to a level below Category I. This would be consistent with an effort by the Tennessee Valley Authority (TVA), revealed through the release of documents from TVA to the private group Friends of the Earth under the Freedom of Information Act, to get the NRC to revise its nuclear material classification "such that fresh MOX fuel can be more easily transported."

From the SRM and those votes that have been made public, it appears that the SECY discusses general policy matters related to a future rulemaking. As such, we do not understand why it is being withheld in its entirety as Official Use Only-Security Related Information. You stated in your comments on the SECY that you were particularly interested in comments received from the public on the staff's proposed approach. However, the public cannot comment on the approach until it is publicly released. We look forward to a prompt and favorable response to our request for disclosure of this document.

Sincerely,



Dr. Edwin S. Lyman
Senior Staff Scientist
Union of Concerned Scientists



Union of Concerned Scientists

1825 K Street NW, Suite 800, Washington DC 20006-1232

Phone: 202-223-6133 Fax: 202-223-6162

To: Chairman Gregory Taczko

Date: 12/20/10

NRC

Fax #: (301) 415-1672

From: Edwin Lyman, UCS

Pages (including cover): 2

Comments:

Sandy Joosten

From: Edwin Lyman [ELyman@ucsusa.org]
Sent: Monday, December 20, 2010 3:39 PM
To: CHAIRMAN Resource
Subject: Letter requesting release of SECY-09-0123
Attachments: letter re secy-09-0123.doc

Dear Chairman Jaczko,

Please find attached a letter requesting release of SECY-09-0123, "Material Characterization and Future Fuel Cycle Security-Related Rulemaking." Thank you for your favorable consideration of this request.

Sincerely,

Dr. Edwin S. Lyman
Senior Staff Scientist
Union of Concerned Scientists
(202) 331-5445
elyman@ucsusa.org

December 20, 2010

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Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555
By fax: (301) 415-1672

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Sincerely,

Dr. Edwin S. Lyman
Senior Staff Scientist
Union of Concerned Scientists

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov
(148.184.200.145) with Microsoft SMTP Server id 8.2.247.2; Mon, 20 Dec 2010
15:39:34 -0500

X-Ironport-ID: mail2

X-SBRS: 4.8

X-MID: 31462302

X-fn: letter re secy-09-0123.doc

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

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2010 15:38:56 -0500

From: Edwin Lyman <ELyman@ucsusa.org>

To: "chairman.resource@nrc.gov" <chairman.resource@nrc.gov>

Subject: Letter requesting release of SECY-09-0123

Thread-Topic: Letter requesting release of SECY-09-0123

Thread-Index: AcughL9Q8R88BssnQ4i/wa4dvB2FJA==

Date: Mon, 20 Dec 2010 20:39:10 +0000

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X-MS-TNEF-Correlator:

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Return-Path: elyman@ucsusa.org