

July 19, 2012

MEMORANDUM TO: Mitzi A. Young, Assistant General Counsel
High-Level Waste
Fuel Cycle and Nuclear Security
Office of the General Counsel

FROM: Michael C. Layton, Deputy Director */RA/*
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: FINAL NUREG-0561, REVISION 2, "REQUIREMENTS FOR
PHYSICAL PROTECTION OF IRRADIATED REACTOR FUEL IN
TRANSIT"

In SECY-09-0162, the staff developed proposed rules to address changes to the physical protection of spent nuclear fuel in transit. This proposed rulemaking considered the security requirements of the Orders issued to licensees since September 11, 2001, aspects of the Nevada Petition, and lessons learned since implementation of the security Orders. In the Staff Requirement Memo (SRM) for SECY-09-0162, the Commission stated that "the staff should publish its draft revision of NUREG-0561, "Requirements for Physical Protection of Irradiated Reactor Fuel in Transit," for public comment during the public comment period on this proposed rule." The Division of Security Policy (DSP) developed and sent to the Office of General Council (OGC) the final draft version of revised NUREG-0561 in October 2010 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML103060094), received "no legal objection" on October 25th of that year, published the draft document and received public comments during early 2011.

In SECY-12-0009, the staff developed the final rule based on the public comments received and committed to publish the revised guidance document NUREG-0561 in the *Federal Register* within two weeks after the publication of the final rule. The final guidance document is enclosed (ADAMS Accession Number ML112179A415). It differs from the draft document that was reviewed in late 2010 due to: (1) changes in the final rule text (which was recently reviewed by OGC who had "no legal objection"); (2) clarifying changes and expanded language based on public comments received on both the rule text and the guidance document during the public comment periods; (3) editorial changes that were not caught prior to publication of the draft; and (4) changes based on the final rule SRM.

Please review the enclosed final NUREG and *Federal Register* Notice (ADAMS Accession Number ML12197A004) and provide "no legal objection" by August 3 to ensure time for further processing prior to the publication deadline.

Enclosure:
As stated

CONTACT: R. Clyde Ragland, DSP/NSIR
(301) 415-7008

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