



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 12, 2013

Holders of Operating Reactor Licenses
as Listed in Enclosure 1

**SUBJECT: RESCISSION OF CERTAIN SECURITY ORDERS CONCERNING SPENT
NUCLEAR FUEL IN TRANSIT**

Following the terrorist attacks on September 11, 2001, the U.S. Nuclear Regulatory Commission (NRC) issued a series of security-related orders to specific licensees. In the area of security for spent nuclear fuel (SNF) in transit, the NRC issued orders to licensees who shipped or received, or were planning to ship or receive, spent nuclear fuel.

The NRC imposed additional security requirements on the shipment of SNF through EA-02-109, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Transportation of Spent Nuclear Fuel Greater than 100 Grams" (67 FR 63167, October 10, 2002). Subsequently, the Commission issued similar security orders to licensees shipping SNF during the period of October 2003 through December 2010. These orders are collectively referred to as the "SNF Transportation Orders." The NRC issued these orders to certain NRC operating reactor licensees who shipped, received, or planned to ship or receive, spent nuclear fuel under the provisions of Part 71 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Packaging and Transportation of Radioactive Material."

The NRC issued all of the orders as immediately effective under the agency's authority to protect the common defense and security pursuant to the provisions of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, "Orders," as well as those in 10 CFR Parts 50, 70, 71, and 72. The requirements that the NRC established through the SNF Transportation Orders supplemented the existing regulatory requirements for the shipment of SNF at that time. The NRC intended for these additional security requirements to ensure that SNF was shipped in a manner that protects the common defense and security as well as the public health and safety.

On May 20, 2013 (78 FR 29520), the NRC issued a final rule for 10 CFR Part 73.37, "Physical Protection of Irradiated Reactor Fuel in Transit," which established security requirements for SNF in transit (RIN 3150-A164; NRC-2009-0163). When the rule becomes effective on August 19, 2013, it will establish the acceptable performance standards and objectives for the protection of SNF shipments from theft, diversion, or radiological sabotage. The final rule incorporates the security requirements in the existing orders for SNF in transit as well as lessons learned from the implementation of the SNF Transportation Orders.

Therefore, the NRC staff has determined that the generically applicable security requirements set forth in the SNF Transportation Orders are now adequately captured in the NRC's regulations. In addition, the associated guidance document, NUREG-0561, Rev. 2, "Physical Protection of Shipments of Irradiated Reactor Fuel" (ADAMS Accession No. ML13120A230), provides clarifying information regarding the implementation of the requirements in the rule.

In SRM-SECY-12-0009, "Final Rule: 10 CFR 73.37, Physical Protection of Irradiated Fuel in Transit," dated June 7, 2012 (ADAMS Accession No. ML12159A260), the Commission approved rescinding the SNF Transportation Orders on the effective date of the final rule for 10 CFR 73.37, consistent with the Rescission Plan for these Orders as provided in Enclosure 2 to SECY-12-0009, "Final Rule: 10 CFR 73.37, Physical Protection of Irradiated Fuel in Transit," dated January 19, 2012 (ADAMS Accession No. ML113640156). Accordingly, effective August 19, 2013, the NRC hereby rescinds EA-02-109, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Transportation of Spent Nuclear Fuel Greater than 100 Grams," and subsequent similar security orders issued during the period of October 2003 through December 2010, to licensees shipping SNF. Although, the information in the orders remains Safeguards Information until decontrolled by the NRC they may be destroyed in accordance with the requirements in 10 CFR 73.22(i), "Destruction of Matter Containing Safeguards Information," when licensees no longer need them.

Licensees should assess how the rescission of the SNF Transportation Orders will affect their facility licenses and security plans so that they can ensure compliance with the final rule and other associated regulatory requirements. Note that not all licensees listed in the enclosure received the subject SNF Transportation Orders.

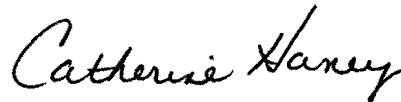
The NRC has filed the enclosed Notice of Rescission of SNF Transportation Orders with the Office of the Federal Register for publication.

Please contact your licensing project manager for help on any issue related to the requirements in this letter or for help on any other questions.

Sincerely,



Eric J. Leeds, Director
Office of Nuclear Reactor Regulation



Catherine Haney, Director
Office of Nuclear Material Safety and
Safeguards

Docket Nos.: See enclosure

Enclosures: 1. List of Operating Reactor Licensees
2. Notice of Rescission of SNF Transportation Orders

cc w/encl: Distribution via Listserv

OPERATING REACTOR LICENSEES

Arkansas Nuclear One
Entergy Operations, Inc.
Docket Nos. 50-313 and 50-368
License Nos. DPR-51 and NPF-6

Vice President, Operations
Entergy Operations, Inc.
Arkansas Nuclear One
1448 S.R. 333
Russellville, AR 72802

Beaver Valley Power Station
First Energy Nuclear Operating Co.
Docket Nos. 50-334 and 50-412
License Nos. DPR-66 and NPF-73

Mr. Eric A. Larson
Site Vice President
FirstEnergy Nuclear Operating Company
P.O. Box 4, Route 168
Shippingport, PA 15077

Braidwood Station
Exelon Generation Co., LLC
Docket Nos. STN 50-456 and STN 50-457
License Nos. NPF-72 and NPF-77

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Browns Ferry Nuclear Plant
Tennessee Valley Authority
Docket Nos. 50-259, 50-260 and 50-296
License Nos. DPR-33, DPR-52 and DPR-68

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street, LP 3D-C
Chattanooga, TN 37402-2801

Brunswick Steam Electric Plant
Carolina Power & Light Co.
Docket Nos. 50-325 and 50-324
License Nos. DPR-71 and DPR-62

Mr. George T. Hamrick
Vice President
Carolina Power & Light Company
Brunswick Steam Electric Plant
P. O. Box 10429
Southport, NC 28461

Byron Station
Exelon Generation Co., LLC
Docket Nos. STN 50-454 and STN 50-455
License Nos. NPF-37 and NPF-66

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Callaway Plant
Union Electric Company
Docket No. 50-483
License No. NPF-30

Mr. Adam C. Heflin
Senior Vice President and
Chief Nuclear Officer
Union Electric Company
Ameren Missouri
P. O. Box 620
Fulton, MO 65251

Calvert Cliffs Nuclear Power Plant
Calvert Cliffs Nuclear Power Plant, LLC
Docket Nos. 50-317 and 50-318
License Nos. DPR-53 and DPR-69

Mr. George H. Gellrich
Vice President
Calvert Cliffs Nuclear Power Plant, LLC
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

OPERATING REACTOR LICENSEES

Catawba Nuclear Station

Duke Energy Carolinas, LLC
Docket Nos. 50-413 and 50-414
License Nos. NPF-35 and NPF-52

Mr. Kelvin Henderson
Site Vice President
Duke Energy Carolinas, LLC
Catawba Nuclear Station
4800 Concord Road
York, SC 29745

Clinton Power Station

Exelon Generation Co., LLC
Docket No. 50-461
License No. NPF-62

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Columbia Generating Station

Energy Northwest
Docket No. 50-397
License No. NPF-21

Mr. Mark E. Reddemann
Chief Executive Officer
Energy Northwest
MD 1023
North Power Plant Loop
P.O. Box 968
Richland, WA 99352

Comanche Peak Nuclear Power Plant

Luminant Generation Co., LLC
Docket Nos. 50-445 and 50-446
License Nos. NPF-87 and NPF-89

Mr. Rafael Flores
Senior Vice President and
Chief Nuclear Officer
Luminant Generation Company, LLC
Attn: Regulatory Affairs
P. O. Box 1002
Glen Rose, TX 76043

Cooper Nuclear Station

Nebraska Public Power District
Docket No. 50-298
License No. DPR-46

Mr. Oscar A. Limpias
Vice President Nuclear and
Chief Nuclear Officer
Nebraska Public Power District
72676 648A Avenue
P.O. Box 98
Brownville, NE 68321

Crystal River Nuclear Generating Plant

Florida Power Corp.
Docket No. 50-302
License No. DPR-72

Mr. Terry D. Hobbs
Crystal River Nuclear Plant (NA2C)
15760 West Power Line Street
Crystal River, FL 34428-6708

Davis-Besse Nuclear Power Station

First Energy Nuclear Operating Co.
Docket No. 50-346
License No. NPF-3

Mr. Ray Lieb
Site Vice President
FirstEnergy Nuclear Operating Company
Mailstop A-DB-3080
5501 N. State Route 2
Oak Harbor, OH 43449-9760

Diablo Canyon Power Plant

Pacific Gas & Electric Co.
Docket Nos. 50-275 and 50-323
License Nos. DPR-80 and DPR-82

Mr. Edward D. Halpin
Senior Vice President and Chief Nuclear
Officer
Pacific Gas and Electric Company
P.O. Box 56
Mail Code 104/6
Avila Beach, CA 93424

OPERATING REACTOR LICENSEES

Donald C. Cook Nuclear Plant

Indiana Michigan Power Company
Docket Nos. 50-315 and 50-316
License Nos. DPR-58 and DPR-74

Mr. Lawrence J. Weber
Senior Vice President and Chief Nuclear
Officer

Indiana Michigan Power Company
Nuclear Generation Group
One Cook Place
Bridgman, MI 49106

Dresden Nuclear Power Station

Exelon Generation Co., LLC
Docket Nos. 50-237 and 50-249
License Nos. DPR-19 and DPR-25

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Duane Arnold Energy Center

NextEra Energy Duane Arnold, LLC
Docket No. 50-331
License No. DPR-49

Mr. Richard Anderson
Site Vice President
NextEra Energy
Duane Arnold Energy Center
3277 DAEC Road
Palo, IA 52324-9785

Edwin I. Hatch Nuclear Plant

Southern Nuclear Operating Co.
Docket Nos. 50-321 and 50-366
License Nos. DPR-57 and NPF-5

Mr. C.R. Pierce
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
P.O. Box 1295/BIN B038
Birmingham, AL 35201-1295

Fermi

Detroit Edison Co.
Docket No. 50-341
License No. NPF-43

Mr. Joseph H. Plona
Senior Vice President and Chief Nuclear
Officer

Detroit Edison Company
Fermi 2 – 210 NOC
6400 North Dixie Highway
Newport, MI 48166

Fort Calhoun Station

Omaha Public Power District
Docket No. 50-285
License No. DPR-40

Mr. Louis Cortopassi
Vice President and Chief Nuclear Officer
Omaha Public Power District
Fort Calhoun Station
Mail Stop FC-2-4
9610 Power Lane
Blair, NE 68008

Grand Gulf Nuclear Station

Entergy Operations, Inc.
Docket No. 50-416
License No. NPF-29

Vice President, Operations
Entergy Operations, Inc.
Grand Gulf Nuclear Station
P.O. Box 756
Port Gibson, MS 39150

H. B. Robinson Steam Electric Plant

Carolina Power & Light Co.
Docket No. 50-261
License No. DPR-23

Mr. William R. Gideon
Vice President
H.B. Robinson Steam Electric Plant
Carolina Power & Light Company
3581 West Entrance Road
Hartsville, SC 29550

OPERATING REACTOR LICENSEES

Hope Creek Generating Station
PSEG Nuclear, LLC
Docket No. 50-354
License No. NPF-57

Mr. Thomas Joyce
President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P. O. Box 236,
Hancocks Bridge, NJ 08038

Indian Point Energy Center
Entergy Nuclear Operations, Inc.
Docket Nos. 50-247 and 50-286
License Nos. DPR-26 and DPR-64

Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

James A. FitzPatrick Nuclear Power Plant
Entergy Nuclear Operations, Inc.
Docket No. 50-333
License No. DPR-59

Vice President
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

Joseph M. Farley Nuclear Plant
Southern Nuclear Operating Co.
Docket Nos. 50-348 and 50-364
License Nos. NPF-2 and NPF-8

Mr. C.R. Pierce
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
P.O. Box 1295/Bin 038
Birmingham, AL 35242

Kewaunee Power Station
Dominion Energy Kewaunee, Inc.
Docket No. 50-305
License No. DPR-43

Mr. David A. Heacock
President and Chief Nuclear Officer
Dominion Energy Kewaunee, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

LaSalle County Station
Exelon Generation Co., LLC
Docket Nos. 50-373 and 50-374
License Nos. NPF-11 and NPF-18

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Limerick Generating Station
Exelon Generation Co., LLC
Docket Nos. 50-352 and 50-353
License Nos. NPF-39 and NPF-85

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Millstone Nuclear Power Station
Virginia Electric & Power Company
Docket Nos. 50-336 and 50-423
License Nos. DPR-65 and NPF-49

Mr. David A. Heacock
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Virginia Electric & Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

OPERATING REACTOR LICENSEES

Monticello Nuclear Generating Plant

Northern States Power Company
Docket No. 50-263
License No. DPR-22

Mr. Mark A. Schimmel
Site Vice President
Northern States Power Company -
Minnesota
Monticello Nuclear Generating Plant
2807 West County Road 75
Monticello, MN 55362-9637

Nine Mile Point Nuclear Station

Nine Mile Point Nuclear Station, LLC
Docket Nos. 50-220 and 50-410
License Nos. DPR-63 and NPF-69

Mr. Christopher Costanzo
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P. O. Box 63
Lycoming, NY 13093

North Anna Power Station

Virginia Electric & Power Co.
Docket Nos. 50-338 and 50-339
License Nos. NPF-4 and NPF-7

Mr. David A. Heacock
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Virginia Electric & Power Company
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

Oconee Nuclear Station

Duke Energy Carolinas, LLC
Docket Nos. 50-269, 50-270 and 50-287
License Nos. DPR-38, DPR-47 and DPR-55

Mr. Scott Batson
Vice President, Oconee Nuclear Station
Duke Energy Carolinas, LLC
7800 Rochester Highway
Seneca, SC 29672

Oyster Creek Nuclear Generating Station

Exelon Generation Co., LLC
Docket No. 50-219
License No. DPR-16

Mr. Michael J. Pacilio
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4300 Winfield Road
Warrenville, IL 60555

Palisades Nuclear Plant

Entergy Nuclear Operations, Inc.
Docket No. 50-255
License No. DPR-20

Vice President, Operations
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043

Palo Verde Nuclear Generating Station

Arizona Public Service Company
Docket Nos. STN 50-528, STN 50-529 and
STN 50-530
License Nos. NPF-41, NPF-51 and NPF-74

Mr. Randall K. Edington
Executive Vice President Nuclear and Chief
Nuclear Officer
Arizona Public Service Co.
P. O. Box 52034, MS 7602
Phoenix, AZ 85072-2034

Peach Bottom Atomic Power Station

Exelon Generation Co., LLC
Docket Nos. 50-277 and 50-278
License Nos. DPR-44 and DPR-56

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

OPERATING REACTOR LICENSEES

Perry Nuclear Power Plant

FirstEnergy Nuclear Operating Co.
Docket No. 50-440
License No. NPF-58

Mr. Vito A. Kaminskas
Site Vice President
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
Mailstop A-PY-A290
P.O. Box 97, 10 Center Road
Perry, OH 44081

Pilgrim Nuclear Power Station Unit No. 1

Entergy Nuclear Operations, Inc.
Docket No. 50-293
License No. DPR-35

Mr. John Dent, Jr.
Vice President and Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5508

Point Beach Nuclear Plant

NextEra Energy Point Beach, LLC
Docket Nos. 50-266 and 50-301
License Nos. DPR-24 and DPR-27

Mr. Larry Meyer
Site Vice President
NextEra Energy Point Beach, LLC
Point Beach Nuclear Plant, Units 1 & 2
6610 Nuclear Road
Two Rivers, WI 54241-9516

Prairie Island Nuclear Generating Plant

Northern States Power Co. Minnesota
Docket Nos. 50-282 and 50-306
License Nos. DPR-42 and DPR-60

Mr. James E. Lynch
Site Vice President
Northern States Power Company -
Minnesota
Prairie Island Nuclear Generating Plant
1717 Wakonade Drive East
Welch, MN 55089-9642

Quad Cities Nuclear Power Station

Exelon Generation Co., LLC
Docket Nos. 50-254 and 50-265
License Nos. DPR-29 and DPR-30

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

R. E. Ginna Nuclear Power Plant

R.E. Ginna Nuclear Power Plant, LLC
Docket No. 50-244
License No. DPR-18

Mr. Joseph E. Pacher
Vice President
R.E. Ginna Nuclear Power Plant, LLC
R.E. Ginna Nuclear Power Plant
1503 Lake Road
Ontario, NY 14519

River Bend Station

Entergy Operations, Inc.
Docket No. 50-458
License No. NPF-47

Vice President, Operations
Entergy Operations, Inc.
River Bend Station
5485 U.S. Highway 61N
St. Francisville, LA 70775

Salem Nuclear Generating Station

PSEG Nuclear, LLC.
Docket Nos. 50-272 & 50-311
License Nos. DPR-70 and DPR-75

Mr. Thomas Joyce
President and Chief Nuclear Officer
PSEG Nuclear LLC - N09
P. O. Box 236,
Hancocks Bridge, NJ 08038

OPERATING REACTOR LICENSEES

San Onofre Nuclear Generating Station
Southern California Edison Company
Docket Nos. 50-361 and 50-362
License Nos. NFP-10 and NFP-15

Mr. Peter T. Dietrich
Senior Vice President and
Chief Nuclear Officer
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

Seabrook Nuclear Plant
NextEra Energy Seabrook, LLC
Docket No 50-443
License No. NFP-86

Mr. Kevin Walsh
Vice President, Seabrook Nuclear Plant
c/o Mr. Michael O'Keefe
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

Sequoyah Nuclear Plant
Tennessee Valley Authority
Docket Nos. 50-327 and 50-328
License Nos. DPR-77 and DPR-79

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street
Chattanooga, TN 37402-2801

Shearon Harris Nuclear Power Plant
Carolina Power & Light Co.
Docket No. 50-400
License No. NPF-63

Mr. Ernie Kapopoulos
Vice President
Shearon Harris Nuclear Power Plant
Progress Energy Carolinas, Inc.
P. O. Box 165, Mail Zone 1
New Hill, NC 27562-0165

South Texas Project
STP Nuclear Operating Co.
Docket Nos. 50-498 and 50-499
License Nos. NPF-76 and NPF-80

Mr. Dennis L. Koehl
President and CEO/CNO
STP Nuclear Operating Company
South Texas Project Electric Generating
Station
P.O. Box 289
Wadsworth, TX 77483

St. Lucie Plant
Florida Power & Light Co.
Docket Nos. 50-335 and 50-389
License Nos. DPR-67 and NPF-16

Mr. Mano Nazar
Executive Vice President and
Chief Nuclear Officer
NextEra Energy
P. O. Box 14000
Juno Beach, FL 33408-0420

Surry Power Station
Virginia Electric & Power Co.
Docket Nos. 50-280 and 50-281
License Nos. DPR-32 and DPR-37

Mr. David A. Heacock
President and Chief Nuclear Officer
Dominion Nuclear
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

Susquehanna Steam Electric Station
PPL Susquehanna, LLC
Docket Nos. 50-387 and 50-388
License Nos. NPF-14 and NPF-22

Mr. Timothy S. Rausch
Senior Vice President and Chief Nuclear
Officer
PPL Susquehanna, LLC
769 Salem Boulevard
NUCSB3
Berwick, PA 18603-0467

OPERATING REACTOR LICENSEES

Three Mile Island, Unit 1
Exelon Nuclear
Docket No. 50-289
License No. DPR-50

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

Turkey Point
Florida Power & Light Co.
Docket Nos. 50-250 and 50-251
License Nos. DPR-31 and DPR-41

Mr. Mano Nazar
Executive Vice President and
Chief Nuclear Officer
NextEra Energy
P. O. Box 14000
Juno Beach, FL 33408-0420

Vermont Yankee Nuclear Power Station
Entergy Nuclear Operations, Inc.
Docket No. 50-271
License No. DPR-28

Vice President, Operations
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
P.O. Box 250, Governor Hunt Road
Vernon, VT 05354

Virgil C. Summer Nuclear Station
South Carolina Electric & Gas Co.
Docket No. 50-395
License No. NPF-12

Mr. Thomas D. Gatlin
Vice President Nuclear Operations
South Carolina Electric & Gas Company
Virgil C. Summer Nuclear Station
Post Office Box 88, Mail Code 800
Jenkinsville, SC 29065

Vogtle Electric Generating Plant
Southern Nuclear Operating Co.
Docket Nos. 50-424 and 50-425
License Nos. NPF-68 and NPF-81

Mr. C.R. Pierce
Regulatory Affairs Director
Southern Nuclear Operating Co., Inc.
P.O. Box 1295/Bin 038
Birmingham, AL 35201

Waterford Steam Electric Station
Entergy Operations, Inc.
Docket No. 50-382
License No. NPF-38

Vice President, Operations
Entergy Operations, Inc.
Waterford Steam Electric Station, Unit 3
17265 River Road
Killona, LA 70057-0751

Watts Bar Nuclear Plant
Tennessee Valley Authority
Docket No. 50-390
License No. NPF-9

Mr. Joseph W. Shea
Vice President, Nuclear Licensing
Tennessee Valley Authority
3R Lookout Place
1101 Market Street, LP 3D-C
Chattanooga, TN 37402-2801

William B. McGuire Nuclear Station
Duke Energy Carolinas, LLC
Docket Nos. 50-369 and 50-370
License Nos. NPF-9 and NPF-17

Mr. Steven D. Capps
Vice President
Duke Energy Carolinas, LLC
McGuire Nuclear Site
12700 Hagers Ferry Road
Huntersville, NC 28078

Wolf Creek Generating Station
Wolf Creek Nuclear Operating Corp.
Docket No. 50-482
License No. NPF-42

Mr. Matthew W. Sunseri
President and Chief Executive Officer
Wolf Creek Nuclear Operating Corporation
P.O. Box 411
Burlington, KS 66839

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150-AI64

[NRC-2009-0163]

Physical Protection of Irradiated Reactor Fuel in Transit

AGENCY: Nuclear Regulatory Commission.

ACTION: Orders; rescission.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is rescinding EA-02-109, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Transportation of Spent Nuclear Fuel [SNF] Greater than 100 Grams," dated October 10, 2002, and subsequent similar security orders issued to licensees shipping SNF during the period of October 2003 through December 2010. These orders are collectively referred to as the "SNF Transportation Orders." The SNF Transportation Orders are being rescinded because the NRC published a final rule, "Physical Protection of Irradiated Fuel in Transit," on May 20, 2013, amending its regulations to incorporate the security requirements in the SNF Transportation Orders and lessons learned from implementation of the SNF Transportation Orders.

DATES: Effective August 19, 2013, the NRC hereby rescinds EA-02-109, dated October 10, 2002, and subsequent similar security orders issued to licensees shipping SNF during the period of October 2003 through December 2010.

ADDRESSES: Please refer to Docket ID NRC-2009-0163 when contacting the NRC about the availability of information for this action. You may access publically-available information related to this action by the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2009-0163. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**
You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FUTHER INFORMATION CONTACT: Jessica Umaña, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-287-9226, e-mail: Jessica.Umana@nrc.gov.

SUPPLEMENTARY INFORMATION: The NRC issued the SNF Transportation Orders to certain NRC power plant licensees, non-power reactor licensees, special nuclear material licensees, and independent spent fuel storage installation licensees, who shipped, received, or

planned to ship or receive SNF under the provisions of Part 71 of Title 10 of the *Code of Federal Regulations* (10 CFR). The Commission issued the SNF Transportation Orders during the period from October 2002, through December 2010. The SNF Transportation Orders were issued as immediately effective under the NRC's authority to protect the common defense and security pursuant to the provisions of the Atomic Energy Act, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 50, 70, 71, and 72. The requirements established by the SNF Transportation Orders supplemented the existing regulatory requirements for the shipment of SNF at the time. These additional security requirements were primarily intended to ensure that SNF was shipped in a manner that protects the common defense and security, and the public health and safety.

On May 20, 2013 (78 FR 29520), the NRC published the final rule for 10 CFR 73.37, "Physical Protection of Irradiated Reactor Fuel in Transit" (RIN 3150-AI64; NRC-2009-0163). The final rule incorporates the security requirements in the SNF Transportation Orders as well as lessons learned from the implementation of the SNF Transportation Orders. The final rule becomes effective on August 19, 2013, and establishes the acceptable performance standards and objectives for the protection of SNF

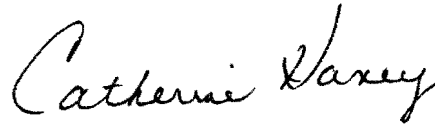
shipments greater than 100 grams from theft, diversion, or radiological sabotage. The requirements in the final rule capture and make generically applicable the security requirements in the SNF Transportation Orders.

Dated at Rockville, Maryland, this 12th day of August 2013.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read "Eric J. Leeds". The signature is fluid and cursive, with a large initial "E" and "L".

Eric J. Leeds, Director,
Office of Nuclear Reactor Regulation.

A handwritten signature in black ink, appearing to read "Catherine Haney". The signature is cursive and elegant, with a large initial "C".

Catherine Haney, Director,
Office of Nuclear Material
Safety and Safeguards.

In SRM-SECY-12-0009, "Final Rule: 10 CFR 73.37, Physical Protection of Irradiated Fuel in Transit," dated June 7, 2012 (ADAMS Accession No. ML12159A260), the Commission approved rescinding the SNF Transportation Orders on the effective date of the final rule for 10 CFR 73.37, consistent with the Rescission Plan for these Orders as provided in Enclosure 2 to SECY-12-0009, "Final Rule: 10 CFR 73.37, Physical Protection of Irradiated Fuel in Transit," dated January 19, 2012 (ADAMS Accession No. ML113640156). Accordingly, effective August 19, 2013, the NRC hereby rescinds EA-02-109, "Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Transportation of Spent Nuclear Fuel Greater than 100 Grams," and subsequent similar security orders issued during the period of October 2003 through December 2010, to licensees shipping SNF. Although, the information in the orders remains Safeguards Information until decontrolled by the NRC they may be destroyed in accordance with the requirements in 10 CFR 73.22(i), "Destruction of Matter Containing Safeguards Information," when licensees no longer need them.

Licensees should assess how the rescission of the SNF Transportation Orders will affect their facility licenses and security plans so that they can ensure compliance with the final rule and other associated regulatory requirements. Note that not all licensees listed in the enclosure received the subject SNF Transportation Orders.

The NRC has filed the enclosed Notice of Rescission of SNF Transportation Orders with the Office of the Federal Register for publication.

Please contact your licensing project manager for help on any issue related to the requirements in this letter or for help on any other questions.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

/RA/

Catherine Haney, Director
Office of Nuclear Material Safety and
Safeguards

Docket Nos.: See enclosure

- Enclosures: 1. List of Operating Reactor Licensees
2. Notice of Rescission of SNF Transportation Orders

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ADAMS Accession No.: ML13225A557

*** concurrence via email**

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