

July 12, 2024

Mr. Gregory Bowman
Director, Division of Physical and Cyber Security Policy
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NRC Expectations Regarding REAL ID Act of 2005

Project Number: 689

Dear Mr. Bowman,

The Nuclear Energy Institute (NEI)¹, on behalf of its members, requests the Nuclear Regulatory Commission (NRC) establish its expectations for the applicability of the REAL ID Act to licensees.

The REAL ID Act of 2005 (Act) establishes minimum standards for the production and issuance of state-issued driver's licenses and identification cards. The Act prohibits Federal agencies from accepting for Official Purposes driver's licenses and identity cards from states unless the Department of Homeland Security (DHS) has determined that the state is compliant with the Act or the state has received an extension from DHS to meet the requirements for compliance. Within the Act, the definition of Official Purposes includes accessing Federal facilities, boarding federally-regulated commercial aircraft, and entering nuclear power plants.

NRC licensees may rely on state-issued driver's licenses or identity cards in complying with certain NRC regulations. While the NRC previously held meetings to discuss the ACT, the agency has not yet established expectations in a generic communication. In 2014, after discussions with NRC and DHS, NEI provided an administrative bulletin (attached) to its power reactor members describing our understanding of the impact at that time. Subsequently, in 2023, DHS issued a final rule² establishing May 7, 2025 as the enforcement deadline for REAL ID Act compliance and authorizes Federal agencies to continue to accept

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

² Noticed in Federal Register, Volume 88, page 14473, dated March 9, 2023.

non-compliant driver's licenses and identification cards for Official Purposes until May 6, 2025. In a December 5, 2022 memo³, DHS describes that that all states, the District of Columbia, and 5 U.S. territories are REAL ID Act compliant and issuing compliant driver's licenses and ID cards.

NEI requests the NRC develop, using a stakeholder engaged process, a generic communication to establish the agency's expectations of licensees regarding compliance with the Act. In developing the communication, the NRC could consider the topics described in NEI's 2014 bulletin and any other issues that might be identified through stakeholder engagement. Given the May 7, 2025, enforcement date, we request that the NRC provide clear guidance as soon as possible to allow sufficient time for industry implementation of any necessary changes to its current processes.

If you have any questions, please contact me or Johnny Rogers at jdr@nei.org.

Sincerely,



William Gross
Sr. Director, Security & Incident Preparedness

Attachment

C: Mr. Mark Resner, NSIR, NRC

³ <https://www.dhs.gov/news/2022/12/05/dhs-announces-extension-real-id-full-enforcement-deadline>