



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

August 31, 2006

ALL AGREEMENT AND NON-AGREEMENT STATES

**OPPORTUNITY TO COMMENT ON THE PROPOSED RULE FOR THE SECURE TRANSFER  
OF NUCLEAR MATERIALS (STP-06-081)**

**Purpose:** To inform you of an opportunity to comment on the proposed rule for the secure transfer of nuclear materials as required by Section 656 of the Energy Policy Act of 2005 (EPAct). Any comments on the basis change should be submitted to the Secretary, U.S. Nuclear Regulatory Commission (NRC), as directed in the Federal Register (FR) Notice by September 29, 2006.

**Background:** The NRC is proposing to amend its regulations to implement requirements for the secure transfer of nuclear materials. The proposed amendment would implement Section 656 of the EPAct of 2005, signed into law on August 8, 2005, by specifically excepting certain licensees from the provisions of Section 170I of the Act, as amended.

The proposed amendment to Part 73 (Physical Protection of Plants and Materials) would be a program element designated "NRC" based on implementation of the procedure in NRC's Management Directive 5.9, "Adequacy and Compatibility of Agreement States." The requirements in this proposed amendment are limited to providing exceptions to requirements in Section 170I of the Atomic Energy Act, as amended by the EPAct, and are based on a system of Orders that were developed under NRC's authority to protect the common defense and security which are areas of exclusive NRC regulatory authority and cannot be relinquished to the Agreement States.

**Contents:** A copy of the FR Notice has been enclosed for your convenience. It can also be accessed at the following internet address:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-14397.pdf>

**NRC Point of Contact:** If you have any questions regarding this Immediately Effective Rule, contact Frank Cardile, Office of Nuclear Material Safety and Safeguards, telephone 301-415-6185, e-mail, [fpc@nrc.gov](mailto:fpc@nrc.gov).

If you have any questions regarding this correspondence, please contact me or the individual named below.

**STP CONTACT:** Joshua Palotay  
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**/RA/**

Janet R. Schlueter, Director  
Office of State and Tribal Programs

Enclosure:  
As stated

STP-06-081

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