

November 7, 2001

Mr. William H. Briggs, Jr.  
Ross, Dixon and Bell L.L.P.  
2001 K Street NW.  
Washington, DC 20006

Dear Mr. Briggs:

I am responding to your letter of October 16, 2001, inquiring on the status of the State of Nevada's June 22, 1999, petition for rulemaking. The petition requested that the Nuclear Regulatory Commission (NRC) conduct a comprehensive assessment of the consequences of terrorist attacks that have the capability of radiological sabotage, including attacks against transportation infrastructure during nuclear waste shipments, attacks involving capture of nuclear waste shipments and use of high-energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

NRC published a notice of receipt of a petition in the Federal Register on September 13, 1999, (64 FR 49410); and invited comments on the merits of the petition. At the time of the September 11, 2001, events, NRC staff were evaluating the petition and the public comments received in order to recommend resolution of the petition.

Since the terrorist attacks on September 11, 2001, the NRC has advised its licensees to heighten security and increased our coordination and communication with the FBI, the Department of Energy, the Federal Emergency Management Agency, as well as other Federal Agencies and members of the intelligence community. Additionally, we established communications with the new Office of Homeland Security. To date, NRC and its licensees remain in a heightened state of alert.

The Commission also directed the staff to reevaluate the NRC's safeguards and physical security programs from top to bottom for licensed facilities and activities. The security and safeguards requirements for spent nuclear fuel and high-level radioactive waste shipments will be considered as part of that effort. Based on that review, NRC regulations or guidance may be revised or updated, as appropriate. Any changes to the regulations will be initiated through a public rulemaking process. The petition resolution will be addressed in a Federal Register notice.

W. Briggs, Jr.

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Should you have any further questions, please contact Patricia Eng of my staff. Ms. Eng may be reached at (301) 415-8577.

Sincerely,

**/RA/**

Martin J. Virgilio, Director  
Office of Nuclear Material Safety  
and Safeguards

W. Briggs, Jr.

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Should you have any further questions, please contact Patricia Eng of my staff. Ms. Eng may be reached at (301) 415-8577.

Sincerely,

**/RA/**

Martin J. Virgilio, Director  
Office of Nuclear Material Safety  
and Safeguards

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\*See previous concurrence

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