Mr. Jim Warren
Executive Director
NC WARN
PO Box 61051
Durham, NC 27715-1051

SUBJECT: ACKNOWLEDGMENT LETTER

Dear Mr. Warren:

I am responding to your letter, dated November 5, 2001, in which you requested that, in light of the terrorist attacks which took place on September 11, 2001, the U.S. Nuclear Regulatory Commission (NRC) should halt Carolina Power and Light/Progress Energy (CP&L) rail shipments of spent nuclear fuel to the Shearon Harris Nuclear Plant. You requested that the NRC take actions to protect the public against the possibility of terrorists attacking a rail shipment of spent nuclear fuel.

It is the policy of the NRC, as codified at Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), to provide members of the public with the means to request that the Commission take enforcement-related action (i.e., petition the Commission). The process is described in more detail below and in Enclosure 1. Since your letter requests enforcement-related action, we are considering it a petition under 10 CFR 2.206. A member of NRC staff contacted you on January 2, 2002 to inform you of the petition process. Your petition was reviewed by a Petition Review Board (PRB) on January 16, 2002.

We understand and share your public safety concerns following the events of September 11, 2001. The NRC has taken a number of measures to protect the public. Most notably, we are undertaking a top-to-bottom review of the agency's safeguards and physical security programs, including the basic assumptions of current programs, in light of the continuing uncertainty about future terrorist intentions. This review involves U.S. national security organizations and is part of a broader review being undertaken by the Federal Government. In the meantime, the NRC continues to advise all nuclear facilities to maintain a heightened security stance, and regularly monitors relevant information that the agency receives on security at nuclear facilities through close coordination with other Federal agencies. Hence, we believe that public health and safety can be reasonably protected at this time, and therefore, the PRB has decided not to grant the part of your petition that requested immediate halting of the rail shipments of spent nuclear fuel from CP&L. The remainder of the petition is still under consideration.

The Commission may grant such a petition for action, in whole or in part, take other action that satisfies the concerns raised by the petition, or deny the petition. We normally allow individuals who have petitioned the NRC an opportunity to discuss their concerns with the Office of Nuclear Material Safety and Safeguards' Petition Review Board (PRB) before determining whether a request is to be reviewed as a petition pursuant to 10 CFR 2.206. However, your letter has been determined to meet the threshold for a 10 CFR 2.206 petition; therefore, a meeting with

the PRB for the purposes of you providing additional information to support the petition meeting the 10 CFR 2.206 criteria is not believed to be necessary. However, should you have additional information related to your petition, please forward such information to the assigned petition manager.

As provided by 10 CFR 2.206, we will take actions on your request within a reasonable time. I have assigned Mr. David Pstrak to be the petition manager for your petition. Mr. Pstrak can be reached at 301-415-8486. Your petition is being reviewed by the Spent Fuel Project Office, the Office of Nuclear Reactor Regulation, and other NRC Safeguards staff.

I have enclosed for your information a copy of Management Directive 8.11, “Review Process for 10 CFR 2.206 Petitions,” and the associated brochure NUREG/BR-0200, Revision 4, “Public Petition Process,” prepared by the NRC Office of Public Affairs.

Sincerely,

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

Enclosures:
1. Management Directive 8.11
2. NUREG/BR-0200

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Sincerely,
/RA/ original signed by /s/
Martin J. Virgilio, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:
1. Management Directive 8.11
2. NUREG/BR

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