

December 3, 2002

Frankie Sue Del Papa
Attorney General
Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701-4717

SUBJECT: STATE OF NEVADA PETITION FOR RULEMAKING (PRM-73-10)

Dear Ms. Del Papa:

This letter is to keep you apprized of the status of the State of Nevada's petition submitted on June 22, 1999, (docketed as PRM-73-10). The petition requests 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.

In my November 7, 2001, letter to you, I noted that a reevaluation of the NRC's safeguards and physical security programs would be conducted and that any changes to the security and safeguards requirements for spent nuclear fuel and high-level radioactive waste shipments would be considered as part of that effort. Based on that review, NRC regulations or guidance may be revised or updated, as appropriate.

To date, NRC and its licensees remain in a heightened state of alert. The NRC has issued Orders imposing interim compensatory measures to any licensee that has indicated that it might be making shipments of spent nuclear fuel. Additionally, a new Office of Nuclear Security and Incident Response has been formed at NRC, consolidating security functions within the agency. This action is intended to improve communications and coordination both within the agency and with external entities. This office will work closely with the Office of Homeland Security, the Federal Bureau of Investigation, the Federal Emergency Management Agency, the Department of Energy, the Federal Aviation Administration, the military and others, in order to coordinate our security activities.

The NRC is currently conducting vulnerability assessments of specific NRC licensed activities. Once the results from these studies are available and the reevaluation of our safeguards and physical security programs is complete, NRC will determine if additional regulatory changes are necessary. The petition resolution will be addressed in a Federal Register notice.

F. S. Del Papa

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Should you have any questions, please contact Merri Horn of my staff. Ms. Horn is the new project manager for PRM 73-10 and may be reached at (301) 415-8126.

Sincerely,

/RA/

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

F. S. Del Papa

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Sincerely,

/RA/

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

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