



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 21, 2003

The Honorable Jim Gibbons
United States House of Representatives
Washington, D.C. 20515

Dear Representative Gibbons:

We have enclosed a copy of a notice of denial of a petition for rulemaking (PRM) submitted by the State of Nevada. The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) amend 10 CFR Part 63, the Commission's regulations for the disposal of high-level radioactive wastes in a proposed geologic repository at Yucca Mountain, Nevada. The petition was docketed as PRM-63-1.

The petition asserted that the present regulations are deficient because they do not provide the regulatory framework to assure that the repository isolates high-level radioactive waste over the long term primarily by geologic means, and because they do not require the applicant to provide an affirmative safety case for the repository. The petition stated that, because of these deficiencies, the regulations are not in full compliance with the Nuclear Waste Policy Act of 1982, as amended (NWPAA), and/or the Atomic Energy Act of 1954, as amended (AEA).

The Commission is denying the petition because: (1) the petitioner's assertions that Part 63 is not in full compliance with NWPAA or AEA are without substance; and (2) the petition does not present any significant new factual information or recommendations that the Commission has not considered, and it would be an unwise expenditure of resources to reconsider previously resolved issues.

The Federal Register notice denying the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis K. Rathbun".

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosure:
Federal Register notice

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