

May 26, 2005

Mr. James Salsman
1910 Mt. Vernon Court #3
Mountain View, CA 94049

Dear Mr. Salsman:

Your petition, dated April 3, 2005, has been referred to me pursuant to 10 CFR 2.206 of the Commission's regulations. You requested that all licenses allowing the possession, transport, storage, or use of pyrophoric uranium munitions be modified to impose enforceable conditions on all such licensees to rectify their misconduct, as described in your petition request. Your petition further states that the basis for the request is the licensees' gross negligence. I would like to express my sincere appreciation for your effort in bringing these matters to the attention of the U.S. Nuclear Regulatory Commission (NRC).

You discussed your petition with our Petition Review Board (PRB) via teleconference on May 10, 2005. The results of that discussion have been considered in the PRB's determination regarding your request for immediate action, and in establishing the schedule for the review of your petition. The request for immediate modification of licenses is denied because there is no apparent immediate threat to public health and safety from continued operations of the current depleted uranium munition licensees. However, your request for modification of the licenses will be considered in the 10 CFR 2.206 process and addressed in a Director's Decision.

As provided by 10 CFR 2.206, we will take action on your request within 120 days. I have assigned Joseph DeCicco to be the petition manager for your petition. Mr. DeCicco can be reached at 301-415-7833. Your petition is being reviewed by the Division of Industrial and Medical Nuclear Safety, in the Office of Nuclear Material Safety and Safeguards. I have enclosed, for your information, a copy of the notice that is being filed with the Office of the Federal Register, for publication, and an associated brochure, NUREG/BR-0200, "Public Petition Process," prepared by the NRC Office of Public Affairs. You already have a copy of Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions."

Sincerely,

/RA/
Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Copy of *Federal Register* Notice
2. NUREG/BR-0200

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Distribution: G20050242

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ML051370457

*See previous concurrence

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