

September 1, 2005

Mr. David Lochbaum  
Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street NW  
Suite 600  
Washington, D.C. 20006-3919

SUBJECT: PETITION FOR RULEMAKING 50-80

Dear Mr. Lochbaum:

I am writing to provide you an update on the status of a petition for rulemaking, Docket No. PRM-50-80, that you submitted on April 28, 2003, concerning radiological sabotage of nuclear power plants. In our previous status letter to you, we informed you that a Petition Review Board (PRB) was convened on November 25, 2003 and a recommendation to the Commission was in preparation. Subsequent to that letter, a followup PRB was convened on October 28, 2004 that modified the previous recommendation. The resulting recommendation regarding disposition of petition PRM-50-80 was provided to the Commission after interoffice concurrence was obtained.

As you are aware, actions of the PRB are considered pre-decisional and cannot be released until the Commission issues direction for disposition of the petition. A letter will be sent to you regarding disposition of your petition when the Commission provides direction to the staff and releases that information.

I regret that a significant amount of time has elapsed since our last status letter to you and apologize for the oversight.

If you have any questions or comments, please contact me at 301-415-2829.

Sincerely,

**/RA/**

Joseph L. Birmingham  
Policy and Rulemaking Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

cc: San Luis Obispo Mothers for Peace  
P.O. Box 164  
Pismo Beach, CA 93448

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