

November 10, 2009

Ms. Catherine Cortez Masto  
Attorney General  
Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

Dear Ms. Masto:

I am responding to the petition for rulemaking dated June 22, 1999, that the State of Nevada submitted to the U.S. Nuclear Regulatory Commission (NRC). The petition was docketed as PRM-73-10 and requested that the NRC initiate rulemaking to strengthen its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The petition also requested that the 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 the capture of nuclear waste shipments, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons. NRC action on this petition was delayed as part of the agency's security assessments following the September 11, 2001, terrorist attack.

The notice of receipt of the petition was published in the *Federal Register* on September 13, 1999 (64 FR 49410). The comment period closed on January 28, 2000. Twenty-four comment letters were received.

NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed *Federal Register* notice, your petition is denied in part, with the remainder of the petition to be considered in the NRC rulemaking process.

In summary, we have determined that the denied portions of PRM-73-10, request for clarification of the definition of hand-carried equipment in 10 CFR 73.1(a)(1)(i)(D), and the request for amendment of the design basis threat in 10 CFR 73.1 (a)(1), did not provide sufficient technical support for rule change.

The NRC is also denying the portion of PRM-73-10 that requested NRC to complete a comprehensive security assessment. This request, as submitted under 10 CFR 2.208 as a part of PRM-73-10, would not be granted because it is a request for a study by the NRC and not a request to amend the NRC regulations. It should be noted that the NRC has conducted security assessments on a broad range of licensed facilities and activities, including spent fuel transportation packages following the September 11, 2001, terrorist attacks.

C. Masto

2

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

Sincerely,

***/RA/***

R. W. Borchardt  
Executive Director  
for Operations

Enclosure: *Federal Register* Notice  
of Partial Denial of Petition

C. Masto

2

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Sincerely,

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R. W. Borchardt  
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