

December 14, 2009

The Honorable Edward J. Markey  
Chairman, Subcommittee on Energy and Environment  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

We have enclosed a copy of a notice of partial denial of a petition for rulemaking submitted by the State of Nevada. The remainder of the petition is being considered through the Nuclear Regulatory Commission (NRC) rulemaking process. The petitioner requested that the NRC initiate rulemaking to strengthen its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The State of Nevada also requested that the NRC conduct a comprehensive assessment of the consequences of terrorist attacks.

The Commission is denying the petition in part because we have determined that the request for clarification of the definition of hand-carried equipment and the request for amendment of the design basis threat in NRC's physical protection regulations (10 CFR 73.1) did not provide sufficient technical support for amending current regulations.

The NRC is also denying the portion of this petition that requested NRC complete a comprehensive security assessment. This request was not granted because it is a request for a study by the NRC and not a request to amend the NRC regulations. The State of Nevada is aware that the NRC conducted security assessments.

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

Sincerely,

/RA/

Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register notice

cc: Representative Fred Upton

December 14, 2009

The Honorable Thomas R. Carper  
Chairman, Subcommittee on Clean Air  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

We have enclosed a copy of a notice of partial denial of a petition for rulemaking submitted by the State of Nevada. The remainder of the petition is being considered through the Nuclear Regulatory Commission (NRC) rulemaking process. The petitioner requested that the NRC initiate rulemaking to strengthen its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The State of Nevada also requested that the NRC conduct a comprehensive assessment of the consequences of terrorist attacks.

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Sincerely,

/RA/

Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register notice

cc: Senator David Vitter

December 14, 2009

The Honorable Barbara Boxer  
Chairman, Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Madam Chairman:

We have enclosed a copy of a notice of partial denial of a petition for rulemaking submitted by the State of Nevada. The remainder of the petition is being considered through the Nuclear Regulatory Commission (NRC) rulemaking process. The petitioner requested that the NRC initiate rulemaking to strengthen its regulations governing safeguards for shipments of spent nuclear fuel against sabotage and terrorism. The State of Nevada also requested that the NRC conduct a comprehensive assessment of the consequences of terrorist attacks.

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/RA/

Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register notice

cc: Senator James M. Inhofe

December 14, 2009

The Honorable Henry A. Waxman  
Chairman, Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

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Sincerely,

/RA/

Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register notice

cc: Representative Joe Barton

December 14, 2009

The Honorable Edward J. Markey  
Chairman, Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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Rebecca L. Schmidt, Director  
Office of Congressional Affairs

Enclosure:  
Federal Register notice  
cc: Representative Fred Upton

Identical Letters sent to The Honorable Thomas Carper with cc to Senator David Vitter, The Honorable Barbara Boxer with cc to Senator James M. Inhofe, and The Honorable Henry A. Waxman with cc to Representative Joe Barton

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