Mr. Anthony R. Pietrangelo
Senior Vice President and
Chief Nuclear Officer
Nuclear Energy Institute
1776 I Street, NW. Suite 400
Washington, DC 20005

Dear Mr. Pietrangelo:

I am responding to your letter of September 25, 2009, to Gregory B. Jaczko, Chairman of the U.S. Nuclear Regulatory Commission (NRC), requesting the NRC to conduct an expedited rulemaking to change the implementation date for specific requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical Protection of Plants and Materials." By letter dated October 1, 2009, the NRC informed you that it treated your submission as a petition for rulemaking (PRM) under 10 CFR 2.802, "Petition for Rulemaking" and assigned it docket number PRM-73-14. Due to the exigent circumstances associated with your request, the agency did not publish a notice of receipt and request for public comment on PRM-73-14 in the *Federal Register;* instead the NRC gave immediate attention to your request and convened a petition review board on November 9, 2009.

As discussed further in the enclosed notice, which will be published in the *Federal Register,* the NRC is denying your request for expedited rulemaking. The NRC has concluded its evaluation of PRM-73-14; therefore, this PRM is considered closed.

Please direct any questions you may have regarding this matter to NRC staff member Timothy Reed, by phone at 301-415-1462 or by e-mail at Timothy.Reed@nrc.gov.

Sincerely,

Annette L. Vietti-Cook
Secretary of the Commission

Enclosure:
Federal Register Notice

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