

EDO Principal Correspondence Control

FROM: DUE: 11/07/01 EDO CONTROL: G20010462  
DOC DT: 10/16/01  
FINAL REPLY:

William H. Briggs, Jr.  
Ross, Dixon & Bell, L.L.P.

TO:

Chairman Meserve

FOR SIGNATURE OF : \*\* GRN \*\* CRC NO:

Virgilio, NMSS

DESC: ROUTING:

Inquiry on Status of PRM-73-10 Requesting that NRC  
Re-Examine Issues of Terrorism and Sabotage  
Against Spent Nuclear Fuel and High Level  
Radioactive Waste Shipments

Travers  
Paperiello  
Kane  
Norry  
Craig  
Burns/Cyr  
Collins, NRR  
Wessman, IRO  
Merschhoff, RIV  
ERCT  
Schum, OEDO  
Davis, NMSS

DATE: 10/19/01

ASSIGNED TO: CONTACT:  
NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

# OFFICE OF THE SECRETARY

## RULEMAKINGS AND ADJUDICATIONS STAFF CONTROL TICKET

**TICKET NUMBER:** DSB-01-152

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**UTILITY/FACILITY:**

**DOCKET NUMBER:** PRM-73-10

**DOCUMENT TITLE OR DESCRIPTION:** INQUIRY ON STATUS OF PRM-73-10 REQUESTING THAT NRC RE-EXAMINE ISSUES OF TERRORISM AND SABOTAGE AGAINST SPENT NUCLEAR FUEL AND HIGH LEVEL RADIOACTIVE WASTE SHIPMENTS

**AUTHOR:** WILLIAM BRIGGS

**AUTHOR AFFILIATION:** ROSS, DIXON & BELL, L.L.P.

**REPRESENTING:** STATE OF NEVADA

**RECIPIENT:** CHAIRMAN

**SUBJECT:**

**DOCUMENT DATE:** 10/17/2001

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**CROSS-REFERENCE:**

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**ACTION:** PREPARE RESPONSE

**ACTION DUE:**

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DOCKETED  
USNRC

October 17, 2001

October 18, 2001 (2:31PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**VIA FACSIMILE & FIRST CLASS MAIL**

The Honorable Richard A. Meserve  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

**Re: Petition for Rulemaking by State of Nevada**  
**Docket No. PRM-73-10**

Dear Chairman Meserve:

The attached letter corrects a typographical error in the first sentence of the October 16 letter we sent to you yesterday. Please replace yesterday's letter with the attached corrected copy.

Very truly yours,

ROSS, DIXON & BELL, L.L.P.

By 

William H. Briggs, Jr.

WHB:jmh

Enclosure

**ROSS, DIXON & BELL, L.L.P.**

The Honorable Richard A. Meserve

October 17, 2001

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cc: Ms. Anette Viette-Cook  
The Secretary of the Commission  
Attn: Rulemaking and Adjudication's Staff  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Michael T. Lesar, Chief  
Rules and Directives Branch  
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October 16, 2001

**CORRECTED COPY**

**VIA FACSIMILE & FIRST CLASS MAIL**

The Honorable Richard A. Meserve  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

**Re: Petition for Rulemaking by State of Nevada  
Docket No. PRM-73-10**

Dear Chairman Meserve:

Along with Joseph Egan and Charles J. Fitzpatrick of Egan & Associates, we represent the State of Nevada in connection with issues relating to the possible licensing of Yucca Mountain as a high level nuclear waste repository.

The State of Nevada filed a Petition for Rulemaking with the Nuclear Regulatory Commission on June 22, 1999, which was docketed by the NRC on July 13, 1999. The petition requested that the NRC amend its regulations governing safeguards for shipments of spent nuclear fuel with respect to 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 capture of nuclear waste shipments and use of high-energy explosives against a cask or casks, and direct attacks upon a nuclear waste shipping cask or casks using antitank missiles or other military weapons.

The September 11 terrorist attacks against New York City and Washington, D.C. have, unfortunately, proven the State of Nevada's Petition to be prophetic. The recent horrific events and the clearly articulated threat of potentially similar

ROSS, DIXON & BELL, L.L.P.

The Honorable Richard A. Meserve

October 16, 2001

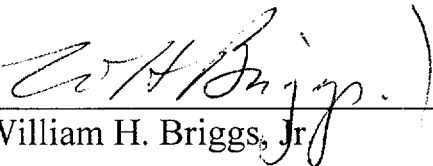
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events in the future underlines the importance of Nevada's request that the NRC reexamine the issue of terrorism and sabotage against spent nuclear fuel and high-level radioactive waste shipments. That reexamination should be immediate, detailed, and in public proceedings. It should be undertaken with the widest possible input from all who would be affected by inadequate protections from this very real threat.

The State of Nevada's Petition for Rulemaking has passed its second anniversary without any action by the NRC. That Petition is now more necessary and compelling than it was at the time of its initial filing. The State of Nevada urges the NRC to begin public consideration of its pending Petition for Rulemaking. And it urges the NRC to amend its current rules to protect the public against realistic threats of terrorism and sabotage that are far more serious than anything contemplated by current safeguards rules and regulations.

Very truly yours,

ROSS, DIXON & BELL, L.L.P.

By   
William H. Briggs, Jr.

WHB:jmh

cc: Ms. Anette Viette-Cook  
The Secretary of the Commission  
Attn: Rulemaking and Adjudication's Staff  
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