

October 10, 2012

Ms. Sandra Gavutis  
Executive Director, C-10 Research  
and Education Foundation, Inc.  
44 Merrimac Street  
Newburyport, Massachusetts 01950

Dear Ms. Gavutis:

I am responding to your petition for rulemaking (PRM) submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of the C-10 Research and Education Foundation, Inc., dated November 24, 2008. Your petition was docketed as PRM-72-6 and requested that the NRC amend its regulations to ensure dry cask safety, security, transferability, and longevity. The notice of receipt of the petition was published in the *Federal Register* on March 3, 2009 (74 FR 9178). The comment period closed on May 18, 2009. Over nine thousand comments were received.

The NRC has considered the petition, your supporting rationale, and the public comments received. For the reasons provided in the enclosed *Federal Register* notice, your petition for rulemaking will be considered in part, denied in part, and reserved in part for future determination.

The NRC will consider your request to require Hardened On-Site Storage at all nuclear power plants, as well as away-from-reactor dry cask storage sites, as part of a rulemaking effort to update security requirements for independent spent fuel storage installation (ISFSI) and Monitored Retrievable Storage. Further information on this rulemaking may be tracked by going to <http://www.regulations.gov> and searching under Docket ID NRC-2009-0558 (RIN 3150-A178). As in all rulemakings, the NRC will solicit and consider public comments during the proposed rule phase of the rulemaking before determining the approach that will be the basis for the final rule.

The NRC is reserving for future rulemaking determinations the two requests described below:

1. To require that dry casks are qualified for transport at the time of onsite storage approval certification.
2. To require a safe and secure hot cell transfer station coupled with an auxiliary pool to be built as part of an upgraded ISFSI design certification and licensing process.

After Commission consideration in the future, these two requests will either be considered for rulemaking or will be denied. The docket for PRM-72-6 will remain open until the NRC determines the appropriate action on these items. You will be informed of the NRC's decision on these two requests in a subsequent letter and *Federal Register* notice.

The NRC is denying the remainder of your PRM requests. Please see the enclosed *Federal Register* notice for the basis of denial for each of the remaining requests. The *Federal Register* notice considering in part, denying in part, and reserving in part for future consideration your petition is being transmitted to the Office of the Federal Register for publication.

You may also find the most current information on Rules at <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/rulemaking-dockets/index.html> and the most current information on PRMs at <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/petitions-by-year.html>.

Sincerely,

*/RA/*

Annette L. Vietti-Cook

Enclosure:  
*Federal Register* notice