May 7, 2001

Mr. Mel Silberberg
524 Meadowrun Street
Thousand Oaks, California 91360

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESEARCH PROGRAM

Dear Mr. Silberberg:

On behalf of the Commission, I am responding to your letter of January 16, 2001, concerning the U.S. Nuclear Regulatory Commission's (NRC's) research program in the area of high-level radioactive waste (HLW) management. As one of the NRC officials most responsible for ensuring the adequacy of NRC's HLW program, I want to thank you for your careful and candid look at changes which have occurred in NRC's management of its HLW research program and for your recommendations on how the HLW program should be supported. Your past service at NRC makes the insights you have provided particularly valuable.

I believe that most issues you raise will be addressed by ongoing activities related to NRC's research program. However, I would like to take this opportunity to address one of the concerns raised in your letter. Specifically, you challenge the current approach to managing HLW technical work in support of NRC's HLW program with the Center for Nuclear Waste Regulatory Analyses (CNWRA). You assert that this action represents "a significant departure from the intent of the Congress" in the 1974 Energy Reorganization Act (ERA) in that the management of activities at the CNWRA now resides in the Office of Nuclear Materials Safety and Safeguards (NMSS) rather than the Office of Research (RES). You believe that some of the work performed by the CNWRA is "research" as opposed to "technical assistance" and under the ERA should be managed by RES. Although some of the CNWRA's technical work might be deemed "confirmatory research" by some, I do not believe that the assignment of some research responsibilities to NMSS violates any prohibition in the ERA. The reason is that, under the ERA, the Commission has wide discretion in assigning work among its statutory offices.

I should also note that I believe that the present arrangement for directing and managing activities at the CNWRA has worked effectively and efficiently and that, as a result, NRC is well positioned to support an independent review of any potential license application for a geologic repository. The Director of RES also supports this view. As you note, budget reductions in the 1990s led NRC to adjust its HLW program to focus on those issues most important to defining repository performance, and thus important to determining whether a license should be granted. This adjustment was the first step in a transition in the repository program to one that is focused on preparing for the possibility of receiving a license application consistent with the schedule provided by the Department of Energy (DOE). Because DOE now projects that NRC could receive a license application in the next several years, I believe that this transition to a licensing focus is justified. However, we are open to considering ways to improve our efforts.

As you are aware, an expert panel chaired by former NRC Commissioner Kenneth Rogers is currently performing a study of the roles and responsibilities of RES at the request of the NRC. In addition, the Advisory Committee on Nuclear Waste has provided recommendations on nuclear waste-related research. The Commission will review the individual recommendations from the Rogers' Expert Panel and information from the ACNW, and, as appropriate, act on the recommendations to further increase the effectiveness and efficiency in NRC's conduct of research activities.

We appreciate your continuing interest, as a former member of the NRC staff, in the success and effectiveness of the NRC HLW program and trust that this reply responds to your concerns.

Sincerely,

/RA/

Martin J. Virgilio, Director
Office of Nuclear Material Safety
and Safeguards

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