

May 30, 2003

Thomas Saporito, Executive Director
National Environmental Protection Center
Post Office Box 1021
Tonopah, Arizona 85354

SUBJECT: HOMELAND SECURITY WITH RESPECT TO HIGH LEVEL NUCLEAR
WASTE STORAGE

Dear Mr. Saporito:

I have been asked to respond to your March 31, 2003 letter to President Bush, in which you expressed security concerns about the storage of nuclear waste at commercial nuclear facilities and in which you asked President Bush to issue an executive order directing the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), and the Department of Transportation to take immediate actions to develop the Yucca Mountain Site for high-level nuclear waste storage.

I appreciate your interest in the potential licensing of a geologic repository for high level waste at Yucca Mountain, Nevada. As you are aware, DOE is responsible for the development of the repository, and the preparation and submittal of a potential license application to NRC to construct and later operate the repository. NRC's role as the safety regulator is to determine whether, based on the contents of the DOE license application and the agency record established during a formal hearing process, DOE should be granted authorization to construct the repository. DOE has stated that it expects to submit a license application to construct the repository to NRC in December 2004.

NRC regulates spent fuel at commercial nuclear facilities through a combination of regulatory requirements; licensing; safety oversight, including inspection; assessment of performance; enforcement; operational experience evaluation; and regulatory support activities. NRC's domestic safeguards program is designed to prevent radiological sabotage or theft or diversion of nuclear material from NRC licensed facilities and activities. Following the terrorist events

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of 2001, we have instituted upgrades in security measures for our licensees including the issuance of orders requiring specific security enhancements. In addition, the NRC continues to work with numerous other government agencies as part of an integrated overall response to protecting the nation's infrastructure.

I can assure you that we take our responsibilities with the utmost seriousness and I am confident that the NRC will be prepared to carry out its statutory role in this program. I appreciate your interests in these matters. If you have any questions, please contact Mr. William Ford of my staff. Mr. Ford may be reached on 301-415-6630.

Sincerely,

/RA/

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

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