

September 15, 2004

Dr. Richard A. Meserve, Chair
Board on Radioactive Waste Management
The National Academies
500 Fifth Street, NW
Washington, D.C. 20001

Dear Dr. Meserve:

This is in reply to your letter, dated August 23, 2004, inviting me to speak at the fall meeting of the National Academies' Board of Radioactive Waste Management on the subject of the United States Court of Appeals' decision in *Nuclear Energy Institute Inc. v. EPA* (and consolidated cases). While I appreciate the invitation, I regret that I must decline the opportunity at this time.

As I'm sure you recognize, the recent decision of the Court of Appeals presents a number of challenging issues for the U.S. Nuclear Regulatory Commission (NRC) as well as for other agencies of the federal government. Our role is, essentially, a reactive and responsive one in the context of that decision.

With the foregoing in mind, it would be premature and inappropriate for me to participate in any public speculation of what actions the NRC might take.

Once again, though, I appreciate your invitation.

Sincerely,

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

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/RA/

Jack R. Strosnider, Director
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