

March 25, 2005

Mr. Bruce Alberts, President
National Academy of Sciences
2101 Constitution Avenue, NW
Washington, D.C. 20418

Dear Dr. Alberts:

On behalf of the U.S. Nuclear Regulatory Commission, I am writing in response to your letter of February 28, 2005, discussing the plans of the National Academy of Sciences (NAS) to provide a modified version of the report, "Safety and Security of Commercial Spent Nuclear Fuel Storage" to members of Congress. The Commission recognizes the difficulty in developing an appropriate unclassified summary consistent with the Congressional Appropriations language. The NRC regrets that this issue has not yet been resolved to the satisfaction of all parties. I believe there have been mis-communications concerning this issue on both sides.

Establishing the appropriate balance between information security and openness in your public report is an important issue to the Commission, and the NRC will continue to work with NAS to establish this balance. In this regard, the Commission has established an internal task force to review categorization of information (e.g., classified, safeguards, and sensitive unclassified information that should be withheld from public disclosure under a Freedom of Information Act (FOIA) Exemption). Also, the Commission has directed the staff to conduct an additional review of the NAS report to Congress to continue facilitating the development of a public summary. The results of this review will be provided to NAS during the week of March 28th.

I want to assure you that the NRC is fully committed to resolving this matter in a timely fashion. The Commission understands your obligation to provide a classified report to Congress and to develop a summary report for the public. I believe the actions we have taken will help resolve this issue quickly, in cooperation with the NAS staff, and I would urge you not to release the public report until the NRC provides you with the results of this additional review. It is the Commission's strong desire to continue to work with and assist you in this regard. I fully support the efforts of our respective staffs, who plan to meet to resolve the issue during the week of March 28th.

Sincerely,

/RA/

Nils J. Diaz