

February 4, 2010

Mr. Paul Gunter, Director
Reactor Oversight Project
Beyond Nuclear
6930 Carroll Avenue
Takoma Park, MD 20912-4423

Dear Mr. Gunter:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) in response to your letter dated December 31, 2009, regarding the NRC study entitled, "An Analysis of Cancer Risk in Populations Living Near Nuclear Power Facilities." In your letter, you raised issues concerning NRC's ability to conduct this study in an unbiased manner, and you provided recommendations to help ensure public confidence in the study results. I certainly appreciate your comments and they will be considered as the project proceeds. However, I do believe it is appropriate that NRC conduct this study and I am confident that the study will be performed in a technically defensible and unbiased manner.

As you know, the U.S. Congress established NRC as an independent government organization with a mission to regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, to promote the common defense and security, and to protect the environment. This study is directly aligned with NRC's mandate. NRC has a long history of conducting research that supports that mandate by providing technically defensible information for regulatory decisionmaking, including the review of regulations and oversight programs. The NRC takes this study very seriously.

Your letter argues that, because the NRC recovers about 90 percent of its budget through fees paid by licensees, the NRC has a conflict of interest and therefore cannot credibly assess the performance of its own regulations and oversight process. This is not so. The Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, requires the NRC to recover through fees approximately 90 percent of its budget authority in the same fiscal year. The NRC implements this law by assessing and collecting the 10 CFR Parts 170 and 171 fees from licensees. However, the fees are not retained by the NRC, but are sent to the U.S. Department of the Treasury. Congress appropriates the NRC's budget at the beginning of each fiscal year, and the fees collected each year reimburse the Treasury for the funds Congress has appropriated to the NRC. Therefore, the fees collected by the NRC do not directly affect the funds available to the NRC.

We have noted your comments about the 1990 U.S. National Cancer Institute (NCI) study, "Cancer in Populations Living Near Nuclear Power Plants," and will consider them as we proceed with the study. However, NRC continues to support the 1990 study within the context of the information available at that time. The NCI continues to reference the report and it is available on their public Web site at <http://www.cancer.gov/cancertopics/factsheet/Risk/nuclear-facilities>. We plan to explore advances in geographic information systems to refine the geographic unit of the study to a smaller area than the county analysis used in the NCI study, but the intent of the NRC study is an ecological study, not the case control or cohort study you suggested in your letter.

Finally, NRC—in alignment with President Barack Obama’s “Open Government Initiative”—strongly supports an open and transparent process for the aforementioned study. To that end, the stakeholder community will have the opportunity to provide comments on the study protocol prior to the start of the data collection and analysis. We feel it is critical to have a technically defensible methodology before we begin collecting data. Public comments, including those in your letter, will be considered by the staff and an independent scientific peer-review committee as the project proceeds.

Thank you very much for your interest and comments on the study.

Sincerely,

/RA/

Brian W. Sheron, Director
Office of Nuclear Regulatory Research

P. Gunter

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Sincerely,

Brian W. Sheron, Director
Office of Nuclear Regulatory Research

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