

December 22, 2010

The Honorable John M. Spratt, Jr.  
Chairman, Committee on the Budget  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to your letter of October 11, 2010, in which you expressed concern about the agency's high-level waste program execution during the period of the Continuing Resolution. I appreciate your interest in this issue.

I want to assure you that the approach the U.S. Nuclear Regulatory Commission (NRC) is taking is consistent with the terms of the Continuing Resolution, the Commission's Fiscal Year (FY) 2011 budget guidance, the general principles of appropriations law, and past NRC practice. When the NRC is operating under a Continuing Resolution, the Executive Director of Operations and the Chief Financial Officer issue guidance to staff on activities to be carried out until a full year appropriation is approved. Therefore this year's guidance issued on October 4, 2010, was consistent with the agency's FY 2011 budget that was approved by the Commission and provided to the Congress by the President in February.

Under the FY 2011 guidance, therefore, the staff is beginning to transition to an orderly close-out of the high-level waste program. This action was taken only after discussions with the Commission and senior staff, and after the NRC General Counsel reviewed the budget guidance and determined that the agency's approach was consistent with appropriations law. To provide you with further assurances about the specific actions we have taken, orderly closure of this program entails knowledge capture and management to ensure that the staff's technical work to date is preserved. This comprehensive effort is expected to take about a year and include documenting the staff's review and other knowledge concerning the program by means such as comprehensive technical reports and videotaped interviews of technical staff. By thoroughly documenting the staff's technical review and preserving it as appropriate for publication and public use, the agency will be able to respond to direction from the Congress or the Courts.

I appreciate your interest in our Nation's high-level waste program.

Sincerely,

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Gregory B. Jaczko