Department of Energy
Washington, DC 20585

May 18, 2005

Mr. Jack R. Strosnider
Director, Office of Nuclear Material, Safety, and Safeguards
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Mr. Strosnider:

The purpose of this letter is to invite the Nuclear Regulatory Commission's (NRC) participation as a cooperating agency in the Department of Energy's (DOE) preparation of an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA). The Department is planning to prepare an EIS to address the environmental impacts associated with developing and operating a facility for the disposal of greater than class C (GTCC) low-level radioactive waste (LLW). These wastes are LLW with concentrations of radionuclides that exceed the limits established by the NRC for class C radioactive waste, as defined in 10 CFR 61.55, *Waste Classification*

The Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985, Public Law No. 99-240, provides that the Federal Government shall be responsible for the disposal of GTCC LLW resulting from domestic NRC-licensed activities and specifies this GTCC LLW be disposed of in a NRC-licensed facility. The LLRWPAA further designates the Secretary of Energy to recommend safe disposal options for such wastes.

Section 1501.6 of the Council on Environmental Quality implementing regulations for the NEPA outlines processes for inviting participation of other Federal agencies as cooperating agencies in the NEPA process. Such involvement is based on another Federal agency having either jurisdiction by law, or possessing special expertise regarding any environmental issue to be addressed in the NEPA document. Because of NRC's regulatory authority over the licensing of a disposal facility for GTCC LLW, we are requesting NRC to be a cooperating agency. In addition, NRC possesses a special expertise in the GTCC LLW inventories and disposal methods that may be considered in the EIS, and the relevant radiation protection standards, regulations, and guidance.

On May 11, 2005, DOE published an Advance Notice of Intent to prepare an EIS for the disposal of GTCC LLW (enclosure). Our goal is to issue a Notice of Intent (NOI) in the fall of 2005. The DOE then intends to complete the final EIS within one and one-half to two years from the issuance of the NOI.

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If you have any questions regarding this invitation, please feel free to contact me at (202) 586-0370, or Mr. James Joyce, the EIS Document Manager, at (301) 903-2151.

Sincerely,

Frank Marcinowski
Deputy Assistant Secretary for
Logistics and Waste Disposition Enhancements
Office of Environmental Management

Enclosure

cc wo/encl:
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