

April 29, 1997

Mr. Mark W. Frei  
Acting Deputy Assistant Secretary  
for Waste Management  
Environmental Management  
United States Department of Energy  
Washington, DC 20585

Dear Mr. Frei:

By letter dated April 16, 1997, you provided the minutes of a February 14, 1997, meeting between the U. S. Nuclear Regulatory Commission and the U.S. Department of Energy (DOE) staffs to discuss definitions of high-level radioactive waste and incidental waste for a revised DOE directive on radioactive waste management (DOE Order 435.1). You also requested the staff's concurrence in those meeting minutes.

The members of the staff who participated in the February 14, 1997, meeting have reviewed the meeting minutes and believe they accurately represent the substance of the discussions at the meeting. However, I must caution you regarding your reliance on these discussions. The Commission would be involved in any final determinations of incidental waste decisions. There are three ongoing incidental waste evaluations (Hanford, West Valley, and Savannah River) that will be considered by the Commission.

I would also note that the minutes indicate that DOE would initiate discussions with NRC staff to schedule a briefing on the DOE Order 435.1 development process and the order itself. While these discussions have not yet been initiated, the staff is still very interested in the development of DOE Order 435.1 and its content and thinks we need to schedule a meeting on this subject. Arrangements for this meeting can be made through Richard Weller (301-415-7287) of my staff.

I look forward to hearing from you.

Sincerely,

Original Signed By

John T. Greeves, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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