



Department of Energy
Washington, DC 20585

DEC 1 8 2003

Martin J. Virgilio, Director
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Virgilio:

This is in response to the August 6, 2003, letter from Mr. L. Kokajko of your office to Mr. A. Wallo inviting the U.S. Department of Energy (DOE) to participate as a cooperating agency in the U.S. Nuclear Regulatory Commission's (NRC) preparation of the Generic Environmental Impact Statement (GEIS) regarding the control and disposition of certain solid material. We understand that this GEIS is in support of the NRC's enhanced participatory rulemaking on alternatives for controlling the disposition of solid materials that originate in restricted or impacted areas of NRC-licensed facilities, and that have no, or very small amounts of, radioactivity resulting from licensed operations.

For the reasons cited in your letter concerning DOE's experience and efforts in the control and release of property containing residual radioactivity, we agree that it is both reasonable and beneficial for DOE to participate as a cooperating agency in this EIS process. Participating as a cooperating agency will help DOE stay apprised of the relevant issues and provide a mechanism for DOE to contribute its expertise to the review process, while ensuring effective communication between our agencies. Cooperating agency status will also assist DOE in its own EIS process involving DOE scrap metal, which, as your letter correctly notes, is a separate, ongoing effort. As a cooperating agency, DOE will, as appropriate and subject to the availability of personnel resources, participate in the GEIS process by providing requested information and data as available, and reviewing the GEIS and supporting materials.

The Office of Air, Water and Radiation Protection Policy and Guidance will serve as DOE's principal point of coordination for DOE participation in the GEIS. Accordingly, please contact Stephen Domotor (202-586-0871) of that office to initiate coordination and information exchange on the GEIS for the control and disposition of solid material. Please feel free to contact either Mr. Domotor or Mr. Wallo if you or your staff need assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andy Lawrence".

Andy Lawrence
Deputy Assistant Secretary
for Environment