

IN RESPONSE, PLEASE
REFER TO: M050215

February 28, 2005

REVISED

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary /RA/ A L Bates, for

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON NMSS PROGRAMS,
PERFORMANCE, AND PLANS - WASTE SAFETY, 9:30 A.M.,
TUESDAY, FEBRUARY 15, 2005, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff on the waste safety programs, performance, and plans in the Office of Nuclear Material Safety and Safeguards. The Commission identified the following issues for staff action:

1. As a result of the NRC amending its regulations to be compatible with IAEA transportation standards, some spent fuel transportation casks no longer will be certified for use unless they can pass the new standards by an effective date in 2008. In addition, new casks may be designed to meet the new standards. The staff should provide information on its expectations regarding the number of casks of concern and the potential impact on NRC resources.
 2. The staff should explore the advantages and disadvantages of conducting an IAEA Transport Safety Appraisal Service (TRANSAS) mission in the United States, in cooperation with the Department of Transportation and the Department of Energy and provide its recommendations to the Commission.
 3. The staff should keep the Commission fully informed as emerging issues and technologies give rise to near-term policy issues and demands on resources, for example, in the area of low-level waste and waste-incident-to-reprocessing (WIR). With regard to WIR, the staff should inform the Commission of its plans for conducting open and closed meetings with DOE and the affected states in the future. The staff should endeavor, to the extent practical, that meetings concerning WIR and involving NRC, DOE, and the appropriate state (either South Carolina or Idaho) be open to the public.
- (EDO) (SECY Suspense: 3/31/05)

4. The staff should keep the Commission informed as the Department of Energy (DOE) develops strategies for addressing greater than class C (GTCC) waste. At the appropriate time, the staff should provide to the Commission its recommendations concerning NRC's potential role, particularly in the area of development of DOE's generic environmental impact statement. As part of its recommendations, the staff should also provide to the Commission the advantages and disadvantages of each option considered. In the meantime, staff should refrain from committing to any particular type of involvement in the DOE GEIS. In addition, OGC should provide the Commission with its independent recommendation on this matter.

(EDO)	(SECY Suspense: 5/1/05)
(OGC)	(SECY Suspense: 5/1/05)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
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