June 30, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-05-0073 - IMPLEMENTATION OF NEW USNRC RESPONSIBILITIES UNDER THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2005 IN REVIEWING WASTE DETERMINATIONS FOR THE USDOE

The Commission has approved the staff's plans for implementing the NRC's new responsibilities under the National Defense Authorization Act of 2005 in reviewing waste determinations for the U.S. Department of Energy, as described in SECY-05-0073, subject to the following comments.

The staff should exercise flexibility to use the latest science available based on the current radiological protection requirements in the International Commission on Radiological Protection -26 (ICRP-26) methodology, which basically uses a standard of 25 mrem total effective dose equivalent (TEDE). Even if for some reason the staff does have to calculate a dose to the thyroid or some other organ, the calculations should be conducted with the latest proven scientific methods and not be restricted to methods employed in ICRP-2. The staff and OGC should work closely together to ensure this flexibility is maintained.

The staff should provide the completed Standard Review Plan to Commission for information and brief the Commission or the Commission's Technical Assistants prior to its adoption.

The staff should ensure that it informs the Commission, through a Technical Assistants briefing or other mechanism, how the staff intends to implement the unique monitoring activities to ensure compliance, report findings of noncompliance, and coordinate with affected State representatives.

The staff, in making its determination on the Department of Energy's waste disposal plans, should ensure that the technical basis for our decisions are transparent, traceable, complete, and as open to the public and interested stakeholders as possible. Thus, the staff should take the time necessary to complete its reviews to ensure the protection of the public health and safety.

The Commission approved the ACNW's action plan for FY2005-2006, including waste-incidental-to-reprocessing (WIR) as a tier-one topic, under the assumption that it would be accomplished with currently budgeted resources. The ACNW should focus on the overall staff process for addressing WIR and not every specific WIR review. The ACNW should re-prioritize the activities in its action plan so as to support its activities regarding WIR with currently budgeted resources.

The staff should brief the Commission Technical Assistants on each technical evaluation report until the staff has developed a standard review plan for implementing these new responsibilities under the NDAA.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
DOC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR