

August 4, 2005

Mr. Frank Marcinowski  
Deputy Assistant Secretary for Logistics  
and Waste Disposition Enhancements  
Office of Environmental Management (E.M.10)  
Department of Energy  
1000 Independence Avenue, SW.  
Washington, D.C. 20585

SUBJECT: RESPONSE TO THE DEPARTMENT OF ENERGY'S INVITATION TO  
PARTICIPATE AS A COOPERATING AGENCY IN ITS ENVIRONMENTAL  
IMPACT STATEMENT ADDRESSING DISPOSAL OF GREATER-THAN-CLASS-  
C WASTE

I am responding to your letter, dated May 18, 2005, in which you extended an invitation for the U.S. Nuclear Regulatory Commission (NRC) to participate in the subject Environmental Impact Statement (EIS) process as a cooperating agency. We appreciate the invitation and acknowledge your intent to involve us based on both NRC expertise and jurisdictional authority. However, the Commission has determined that it would be more appropriate for the NRC to be a commenting agency, rather than a cooperating agency, during the U.S. Department of Energy's (DOE's) EIS process.

As such, NRC will still need to interact with DOE as DOE goes through decision-making related to its EIS, new disposal program planning, and, ultimately, its NRC license application. Consequently, my office will continue to be available to answer questions that DOE staff may have related to NRC requirements, guidance, licensing, and other information.

If you have any questions about the commenting agency decision, I can be reached at (301) 415-7800. Additionally, my staff representative, Susanne Woods, will continue to be the contact during the DOE EIS development process and can be reached at (301) 415-7267.

Sincerely,

**/RA/**

Jack R. Strosnider, Director  
Office of Nuclear Material Safety  
and Safeguards

August 4, 2005

Mr. Frank Marcinowski  
Deputy Assistant Secretary for Logistics  
and Waste Disposition Enhancements  
Office of Environmental Management (E.M.10)  
Department of Energy  
1000 Independence Avenue, SW.  
Washington, D.C. 20585

SUBJECT: RESPONSE TO THE DEPARTMENT OF ENERGY'S INVITATION TO  
PARTICIPATE AS A COOPERATING AGENCY IN ITS ENVIRONMENTAL  
IMPACT STATEMENT ADDRESSING DISPOSAL OF GREATER-THAN-CLASS-  
C WASTE

I am responding to your letter, dated May 18, 2005, in which you extended an invitation for the U.S. Nuclear Regulatory Commission (NRC) to participate in the subject Environmental Impact Statement (EIS) process as a cooperating agency. We appreciate the invitation and acknowledge your intent to involve us based on both NRC expertise and jurisdictional authority. However, the Commission has determined that it would be more appropriate for the NRC to be a commenting agency, rather than a cooperating agency, during the U.S. Department of Energy's (DOE's) EIS process.

As such, NRC will still need to interact with DOE as DOE goes through decision-making related to its EIS, new disposal program planning, and, ultimately, its NRC license application. Consequently, my office will continue to be available to answer questions that DOE staff may have related to NRC requirements, guidance, licensing, and other information.

If you have any questions about the commenting agency decision, I can be reached at (301) 415-7800. Additionally, my staff representative, Susanne Woods, will continue to be the contact during the DOE EIS development process and can be reached at (301) 415-7267.

Sincerely,

/RA/

Jack R. Strosnider, Director  
Office of Nuclear Material Safety  
and Safeguards

DISTRIBUTION:

DWMEP r/f    DCD r/f    NMSS r/f    SWoods    BJDavis

**ML052080070**

\*See Previous Concurrence

OFFICE	DWMEP:PM*	DWMEP:SC*	DWMEP:DD*
NAME	SWoods	JDavis	SFlanders
DATE	7/27/05	7/27/05	7/27/05
OFFICE	Tech Ed*	DWMEP:D*	NMSS:D
NAME	EKraus	DGillen for LWCamper	JRStrosnider
DATE	7/27/05	07/28/05	08/04/05

OFFICIAL RECORD COPY