

October 20, 2006

Mr. Charles E. Anderson  
Principal Deputy Assistant Secretary  
Office of Environmental Management  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

SUBJECT: TECHNICAL EVALUATION REPORT FOR DRAFT WASTE DETERMINATION  
FOR IDAHO NUCLEAR TECHNOLOGY AND ENGINEERING CENTER TANK  
FARM FACILITY

Dear Mr. Anderson:

Under Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA), the Secretary of Energy, in consultation with the U.S. Nuclear Regulatory Commission (NRC), may determine that certain radioactive waste resulting from reprocessing of spent nuclear fuel is not high-level waste. By letter dated September 7, 2005, the U.S. Department of Energy (DOE) submitted the "Draft Section 3116 Determination Idaho Nuclear Technology and Engineering Center Tank Farm Facility" to the NRC for review. The NRC staff has performed a technical review to determine whether there is reasonable assurance that applicable criteria of the NDAA can be met by the waste management approach proposed in DOE's draft Section 3116 waste determination. The NRC's assumptions, analysis, and conclusions are presented in the attached Technical Evaluation Report (TER).

Based on the information provided by DOE to the NRC, the NRC staff has concluded that there is reasonable assurance that the applicable criteria of the NDAA can be met. The assumptions described in Section 4.3 of the TER are important to demonstrating that the performance objectives in 10 CFR 61, Subpart C, can be met and fall into the following general categories: institutional control, the hydro-geological conceptual model, and estimation of the radiological inventory. The NDAA requires NRC, in coordination with the State of Idaho, to monitor disposal actions taken by DOE for the purpose of assessing compliance with the performance objectives of 10 CFR 61, Subpart C. Consequently, NRC is currently developing a risk-informed and performance-based monitoring plan that will address the key monitoring areas identified in Section 4.4 of the TER. NRC will coordinate with the State of Idaho to finalize the monitoring plan and then will inform DOE of monitoring activities that are planned for the Idaho National Laboratory Tank Farm Facility.

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It is important to note that the NRC's conclusions presented in this TER are based on the information provided by DOE. If, in the future, DOE determines it is necessary to revise its assumptions, analysis, design, or waste management approach and those changes are important to meeting the criteria of the NDAA, DOE should consult once again with NRC regarding the enclosed TER. If you have any questions or need additional information regarding this TER, please call me at 301-415-7437, or call Xiaosong Yin, project manager on my staff, at: 301-415-7640.

Sincerely,

**/RA/**

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Mr. Anderson

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Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
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