

October 31, 2006

MEMORANDUM TO: Michael T. Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Ryan Whited, Chief **/RA/**
Low-Level Waste Branch
Environmental and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and Environmental
Management Programs

SUBJECT: NOTICE OF PUBLIC MEETING WITH THE U.S. DEPARTMENT OF
ENERGY REGARDING WASTE DETERMINATION REVIEWS

Enclosed please find an original signed copy of a *Federal Register* notice announcing the U.S. Nuclear Regulatory's and U.S. Department of Energy's intent to hold a public meeting to discuss interactions during the reviews of non-high-level waste determinations. Four copies of the notice and a 3.5-inch diskette containing an electronic version of the notice are also attached. Please transmit the *Federal Register* notice to the Office of the Federal Register for publication.

Docket No.: POOM-32, PROJ0734

Staff Contact: Anna Bradford

PROJ0735, PROJ0736

Phone No.: (301) 415-5228

Enclosures: 1. Meeting Notice - (one original and four copies)
2. One 3.5-inch diskette (electronic version)

NUCLEAR REGULATORY COMMISSION AND DEPARTMENT OF ENERGY

Notice of Public Meeting

AGENCY: United States Nuclear Regulatory Commission (NRC) and United States
Department of Energy (DOE)

ACTION: Notice of Public Meeting

SUMMARY: The NRC and DOE announce their intent to conduct a public meeting to discuss interactions during the review of non-high-level waste determinations under the National Defense Authorization Act (NDAA) for Fiscal Year 2005. The meeting date, time and location are listed below:

DATE: Thursday, November 16, 2006

TIME: 9:00 a.m. to 11:00 a.m.

LOCATION: L'Enfant Plaza Hotel
Meeting Rooms - Monet 1 and 2
480 L'Enfant Plaza
Washington, D.C. 20024
Phone: 202-484-1000

AGENDA: 9:00 - 9:15: Introductions and Opening Remarks

9:15 -10:45: Discussion of NDAA consultation

10:45 - 11:00: Opportunity for Public Comment

BACKGROUND:

On October 9, 2004, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA) was passed by Congress and was signed by the President on October 28, 2004. Section 3116 of the NDAA allows the U.S. Department of Energy (DOE) to determine that certain waste stemming from reprocessing of spent nuclear fuel is not high-level-waste (HLW). The NDAA is applicable only in the states of South Carolina and Idaho and does not apply to waste transported out of these states. The NDAA requires that: 1) DOE consult with NRC on its waste determinations in South Carolina and Idaho, and 2) NRC, in coordination with the State, monitor disposal actions taken by DOE for the purpose of assessing compliance with NRC regulations in 10 CFR Part 61, Subpart C. If the NRC determines that any disposal actions taken by DOE are not in compliance, the NDAA requires NRC to inform DOE, the affected State, and congressional subcommittees. The NRC and DOE are holding a public meeting to discuss the efficiency and effectiveness of the consultation process.

As noted on the agenda, time will be set aside during this meeting for observers who wish to make comments. After the meeting, a publicly available summary of this meeting will be made available on the NRC's Agencywide Documents Access and Management System at www.nrc.gov.

FOR FURTHER INFORMATION CONTACT: For questions related to this meeting, please contact Anna Bradford at (301) 415-5228 or ahb1@nrc.gov, or Karen Guervara at (301) 903-3339 or karen.guevara@em.doe.gov.

Dated at Rockville, Maryland, this 31st day of October 2006.

For the Nuclear Regulatory Commission.

/RA/

Scott Flanders, Deputy Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials and Environmental
Management Programs

Dated at Washington, D.C., this 31st day of October 2006.

For the Department of Energy.

/RA/

Frank Marcinowski, Deputy Assistant Secretary
Office of Regulatory Compliance

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Frank Marcinowski, Deputy Assistant Secretary
Office of Regulatory Compliance

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