

July 29, 2008

Mr. Frank Marcinowski
Deputy Assistant Secretary for Logistics
and Waste Disposition Enhancements
EM-10/Forrestal Building
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

SUBJECT: DISTRIBUTION OF NUREG-1911, "NRC PERIODIC COMPLIANCE
MONITORING REPORT FOR U.S. DEPARTMENT OF ENERGY NON-HIGH-
LEVEL WASTE DISPOSAL ACTIONS, CALENDAR YEAR 2007"

Dear Mr. Marcinowski:

Enclosed is the U.S. Nuclear Regulatory Commission (NRC) staff's report of its monitoring of U.S. Department of Energy (DOE) non-high-level waste disposal actions in calendar year (CY) 2007, pursuant to Section 3116(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA). The NRC staff has prepared this report in accordance with NUREG-1854, "NRC Staff Guidance for Activities Related to DOE Waste Determinations," issued August 2007. This report is the first of what the NRC staff anticipates will be an annual report during the early phases of its monitoring activities pursuant to the NDAA.

As described in the Executive Summary of NUREG-1911, the NRC's staff monitoring in CY 2007 was based on two monitoring plans that it completed in accordance with the guidance in NUREG-1854. The monitoring plans cover DOE disposal actions at the Saltstone Facility at the Savannah River Site (SRS) in South Carolina and the Tank Farm Facility (TFF) at the Idaho Nuclear Technology and Engineering Center (INTEC) at the Idaho National Laboratory (INL) in Idaho. The NRC staff opened no new monitoring activities as a result of the technical reviews and observation visits and closed three monitoring activities at the INL INTEC TFF. No open activities have been identified as open-noncompliant. Therefore, the NRC plans no revisions to either monitoring plan in response to monitoring activities in CY 2007.

As the staff completed technical reviews and onsite observations, it identified open issues at the Saltstone Facility that arose during monitoring activities that require additional followup by the NRC staff or additional information from DOE to address questions that the NRC staff has raised regarding the DOE disposal actions. The NRC staff also provided DOE with recommendations offering insights on one or more aspects of the disposal action that the NRC is monitoring. Recommendations may address ways that DOE can make progress on closing any open activities in the staff's monitoring plan; a monitoring area for which an open issue has been previously identified and closed and for which the NRC staff recommends further action to strengthen some aspect of the DOE disposal action; and monitoring areas that had no open issues or previously raised concerns, but where the NRC staff recommends further improvements to DOE disposal actions. Based on information NRC staff received in April 2008, staff have closed Open Issue 2007-3 regarding the risk significance of as-built conditions of Vault 4 at the Saltstone Disposal Facility. The status of this item will be updated in next year's report.

Based on its observations, the NRC staff continues to conclude that there is reasonable assurance that the applicable criteria of the NDAA can be met if key assumptions made in the DOE waste determinations prove to be correct. In accordance with the requirements of the NDAA and consistent with the NRC's monitoring plans, the NRC staff will continue to monitor DOE disposal actions at SRS and INL. The monitoring activities are expected to be an iterative process and several onsite observation visits and technical reviews of various reports, studies, and other documents may be necessary to obtain the information needed to close all of the current open issues, as well as issues that may be opened in the future.

If you have any questions, please contact me at 301-415-7437 or Mr. David Brown, Sr. Project Manager in the Division of Waste Management and Environmental Protection, at 301-415-6116.

Sincerely,

/RA/

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

Enclosure:
NUREG-1911, "NRC Periodic
Compliance Monitoring Report
for U.S. Department of Energy
Non-High-Level Waste Disposal
Actions, Calendar Year 2007."

cc w/enclosure:

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