

February 13, 2012

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, REVISION 3, "NRC PERIODIC COMPLIANCE MONITORING REPORT FOR U.S. DEPARTMENT OF ENERGY NON-HIGH-LEVEL WASTE DISPOSAL ACTIONS; ANNUAL REPORT FOR CALENDAR YEAR 2010"

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) 2010, pursuant to Section 3116(b) of the 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 third annual report developed by NRC staff pursuant to the NDAA.

As described in the Executive Summary of NUREG-1911, Revision 3, the NRC's staff monitoring in CY 2010 was based on two monitoring plans that it completed in accordance with the guidance in NUREG-1854. The monitoring plans covered DOE disposal actions at the Saltstone Facility at the Savannah River Site (SRS) in South Carolina and the Tank Farm Facility at the Idaho Nuclear Technology and Engineering Center at the Idaho National Laboratory (INL) in Idaho. No open activities were identified as open noncompliant. Though no new monitoring activities were created in CY 2010, the NRC is planning a revision to the Saltstone Facility monitoring plan in response to its review of the 2009 Performance Assessment for the Saltstone Facility at the Savannah River Site. This revision will begin in early CY 2012, following the publication of the NRC's Technical Evaluation Report documenting the NRC's review of the 2009 Saltstone Performance Assessment. The NRC plans no revisions to the INL monitoring plan in response to monitoring activities in CY 2010.

In CY 2007, the staff identified three open issues regarding disposal actions at the SRS Saltstone Facility, one of which was closed in CY 2008 (2007-3) regarding the risk significance of as-built vault conditions. In last year's report (for CY 2009), open issues 2007-1, 2007-2, and 2009-1 remained open at the close of the calendar year. In 2010, as in 2009, the staff observed that DOE is making progress in obtaining data that will provide additional support for assumptions that were used in DOE's performance assessment in support of the SDF waste determination. However, because this information was still under review at the end of CY 2010, Open Issues 2007-1, 2007-2, and 2009-1 remain open.

Based on its CY 2010 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 are confirmed. 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. Nishka Devaser, Project Manager in the Division of Waste Management and Environmental Protection, at (301) 415-5196.

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, Rev. 3, "NRC Periodic
Compliance Monitoring Report for
U.S. Department of Energy
Non-High-Level Waste Disposal Actions,
Calendar Year 2010"

cc w /enclosure:
S. Wilson, SRS CAB
Waste Management Committee Chair
SRS CAB Librarian
WIR Service List

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