

September 6, 2012

Thomas E. Magette, P.E.
Senior Vice President
Nuclear Regulatory Strategy
EnergySolutions
6350 Stevens Forest Road, Suite 200
Columbia, Maryland 21046

Dear Mr. Magette:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of August 2, 2012, to the Office of the Secretary of the Commission, providing EnergySolutions' views on SECY-10-0165, entitled "Staff Approach to Comprehensive Revision to 10 CFR Part 61." Your letter also touches on other Commission-directed initiatives pertaining to the NRC's commercial low-level radioactive waste regulatory framework.

As you acknowledge in your August 2, 2012, letter, the Commission has previously directed the staff to seek public comment on possible changes to the 10 CFR Part 61 regulations, consistent with the Staff Requirements Memorandum (SRM) to COMWDM-11-0002/COMGEA-11-0002 (dated January 19, 2012). In response to this direction, the staff issued multiple *Federal Register* notices and conducted an aggressive public outreach campaign in 2012 requesting stakeholder feedback. The staff is currently reviewing its public meeting transcripts and the correspondence submitted to the docket, including comments from EnergySolutions dated July 31, 2012. Following an evaluation and analysis of all public comments, the staff intends to provide its proposed rulemaking language to the Commission by July 2013.

In reference to your comments on SECY-10-0165 and the Commission-directed public outreach initiative concerning a possible comprehensive revision to 10 CFR Part 61, the staff has received stakeholder feedback on the rulemaking options described in this paper as part of its 2012 public outreach initiative. This feedback includes points that you make in your August 2, 2012, letter. The staff is currently performing an analysis of this feedback and will provide recommendations for the Commission's consideration in the near future.

Finally, your August 2, 2012, letter closes by commenting on the SRM to SECY-08-0147 (dated March 18, 2009), concerning a longer term assignment to update the waste classification tables found in 10 CFR Part 61.55 of the regulations. This update would, as you have pointed out, also include a determination concerning the regulatory classification of depleted uranium. The staff will consider these comments as well.

At the NRC, we value diversity of opinion and strive to conduct our work in an open manner. Your comments, as well as other stakeholder comments, are appreciated and help inform our regulatory decisions and activities. I thank you for taking the time to correspond on these matters.

Sincerely,

/RA/

Allison M. Macfarlane