



## Department of Energy

Washington, DC 20585

October 29, 2021

Ms. Jane Marshall  
Director, Division of Decommissioning, Uranium  
Recovery and Waste Programs  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, Maryland 20852

Dear Ms. Marshall:

Under the Department of Energy (DOE) Order 435.1, *Radioactive Waste Management*, and DOE Manual 435.1-1, *Radioactive Waste Management Manual*, DOE may determine that certain radioactive waste resulting from the reprocessing of spent nuclear fuel is not high-level radioactive waste, based on an evaluation showing that the criteria in DOE Manual 435.1-1 are met. The enclosed *Draft Waste Incidental to Reprocessing Evaluation for the Test Bed Initiative Demonstration, U.S. Department of Energy* (Draft WIR Evaluation) demonstrates that those criteria are satisfied. The Draft WIR Evaluation is being provided to the Nuclear Regulatory Commission (NRC) for review and consultation. Please conduct your consultative review in accordance with the Interagency Agreement (IAA) between DOE and NRC, IAA 89304021SEM000008. The Office of River Protection will place electronic copies of the Draft WIR Evaluation and all supporting reference documents in the box account to be identified by your staff.

On November 5, 2021, DOE will post the Draft WIR Evaluation on the Hanford webpage and make the Draft WIR Evaluation available for comments by States, Tribal Nations, stakeholders and the public. Consistent with this approach, DOE requests that NRC not publicly post the Draft WIR Evaluation until that date.

DOE plans to prepare a final WIR Evaluation after consultation with NRC, carefully considering comments received, and performing any necessary revisions of analyses and technical documents. Based on the final WIR evaluation, DOE may determine (in a future WIR Determination) whether, for the proposed TBI Demonstration, the pretreated waste planned for offsite commercial solidification and disposal is incidental to reprocessing, is not high-level radioactive waste, and may be managed as low-level radioactive waste.

If you have any questions, please contact Ms. Sherri Ross, Office of Regulatory Compliance, at (301) 903-2192. Members of your staff may also contact Mr. Richard Valle, Office of River Protection, at (509) 376-7256.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Gilbertson', written in a cursive style.

Mark Gilbertson  
Associate Principal Deputy Assistant  
Secretary for Regulatory and Policy Affairs

Enclosure

cc: Kathleen Martin, GC  
Christopher McKenney, NRC  
Maurice Heath, NRC  
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