



## Department of Energy

Washington, DC 20585

October 20, 2023

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:

Pursuant to Section 3116 of the “Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005” (NDAA), the Secretary of Energy, in consultation with the Nuclear Regulatory Commission (NRC), may determine that certain radioactive waste resulting from the reprocessing of spent nuclear fuel in Idaho and South Carolina is not high-level radioactive waste (HLW), based on the criteria specified in Section 3116 of the NDAA. The *Draft Basis for Section 3116 Determination for Closure of the Calcined Solids Storage Facility at the Idaho National Laboratory Site* (DOE-ID-2022-01) (Draft CSSF 3116 Basis Document) demonstrates that those criteria are satisfied. The Draft CSSF 3116 Basis Document is being provided to the NRC for review and consultation. The Department of Energy (DOE) will place electronic copies of the Draft CSSF 3116 Basis Document and all supporting reference documents in the box account to be identified by your staff. On the same day, DOE will post the Draft CSSF 3116 Basis Document on the Idaho National Laboratory webpage and make the Draft CSSF 3116 Basis Document available for comments by states, Tribal Nations, stakeholders and the public.

DOE plans to prepare a Final CSSF 3116 Basis Document after consultation with the NRC, carefully considering comments received, and performing any necessary revisions of analyses and technical documents. Based on the Final CSSF 3116 Basis Document, the Secretary of Energy, in consultation with the NRC, may determine whether the Calcined Solids Storage Facility (CSSF) bins (including integral equipment), transport lines, and any residual calcine therein, after calcine retrieval and stabilization (in grout) at the time of closure, meet the Section 3116 criteria, are not HLW, and may be disposed of (closed) in place as low-level radioactive waste.

If you have any questions, please contact me or Mr. Rodrigo Lobos, Office of Regulatory Compliance, at (240) 937-6936, or Mr. Greg Balsmeier, Idaho Cleanup Project, at (208) 479-5566.

Sincerely,

Kristen G. Ellis  
Acting Associate Principal Deputy Assistant  
Secretary for Regulatory and Policy Affairs

cc: Gregory Balsmeier, ID  
Rodrigo Lobos, EM-2.21