

PDR 8/27

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U.S. NUCLEAR REGULATORY COMMISSION

NOTICE OF PETITION FOR U.S. NUCLEAR REGULATORY COMMISSION ACTION

Notice is hereby given that by petition dated July 28, 1998, the Natural Resources Defense Council (NRDC) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the U.S. Department of Energy's (DOE's) Savannah River Site (SRS). Petitioner requests that NRC assume and exercise immediate licensing authority over all high-level radioactive waste (HLW) that is stored in the 51 underground tanks located at SRS. DOE plans to remove the bulk of the waste from each tank, then fill each tank with grout to close it in place. DOE believes that the residual tank wastes can be classified as "incidental" waste outside the definition of "high-level waste" in Appendix F of 10 CFR Part 50. Consistent with the requirements of the Energy Reorganization Act of 1974, the facilities used for disposal of DOE wastes that are not HLW are not subject to NRC licensing authority.

As the basis for this request, petitioner states that although DOE claims that residual tank wastes can be classified as incidental, there is no legal basis for such a term. Furthermore, NRDC states that even if the definition of the term "incidental waste" were acceptable, the residual tank waste at SRS does not meet the definition as the term is currently interpreted by DOE. The petition requests immediate response by NRC.

The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. A copy of the petition is being sent to DOE, and DOE is being given the opportunity to comment. Appropriate action will be taken on this petition within a reasonable time. For further information, contact John Greeves, Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. NRC, (301) 415-7437. A copy of the petition is available for inspection at the Commission's Public Document Room at 2121 L Street, N.W., Washington, DC 20555.

Dated at Rockville, Maryland, this 27 day of August, 1998.

FOR THE NUCLEAR REGULATORY COMMISSION.

*John T. Greeves*  
John T. Greeves, Director  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards.

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