



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 22, 1996

MEMORANDUM TO: Carl J. Paperiello, Director
NMSS

THRU: Margaret V. Federline, Deputy Director *MV Federline*
DWM/NMSS

FROM: Michael J. Bell, Chief *Michael J Bell*
ENGB/DWM/NMSS

SUBJECT: MEETING WITH THE U.S. DEPARTMENT OF ENERGY STAFF TO DISCUSS
REVIEW OF SAVANNAH RIVER TANK RESIDUAL WASTE CLASSIFICATION

DATE OF MEETING: September 17, 1996

PLACE OF MEETING: Two White Flint North, Rockville, MD (T8D-43)

ATTENDEES: Department of Energy (DOE)

Victor Stello, DOE HQ
Lee Watkins, DOE Savannah River Operations Office (SRO)
Lawrence Ling, DOE SRO

Nuclear Regulatory Commission

Carl J. Paperiello, NMSS/NRC
John T. Greeves, NMSS/NRC
Margaret Federline, NMSS/NRC
John Austin, NMSS/NRC
Michael Bell, NMSS/NRC
C. William Reamer, OGC/NRC

The meeting was held at DOE's request to discuss the letter dated August 28, 1996, from Mario P. Fiori, Manager of DOE's SRO, to Carl Paperiello, Director, NMSS, requesting NRC to review, on an expedited basis, DOE's report "Regulatory Basis for Incidental Waste Classification at the SRS HLW Tank Farms." NRC had responded by letter dated September 13, 1996, to Mr. Fiori that a review of the report on DOE's requested schedule was not feasible.

DOE expressed concern with the estimated cost and schedule for NRC review. NRC explained that by law it was required to recover 100% of its fees, and that it had no budget to perform the requested review. Therefore, before the technical review could begin, it would be necessary to establish a funding arrangement for the work. As to schedule, NRC staff explained that in an earlier review of the classification of the wastes being removed from the

CONTACT: Michael J. Bell/NMSS/ENGB
415-7286

9611040104 961022
PDR WASTE PDR
WM-1

040007

Delete' ACNW

NH16 1/0
109.7
WM-1

Hanford double shell tanks, the Commission reviewed and approved the staff's actions. Thus, the 6 to 7 month schedule estimated by the staff included time for Commission review in addition to the staff's technical review.

Based on these discussions, DOE said it will not be responding in the near-term to the September 13 letter to Mr. Fiori. DOE will do an internal analysis to demonstrate that the material remaining in the tanks is "incidental waste," using the criteria established in the 1993 letter from R. Bernero to J. Lytle. Following this analysis, DOE will consult with the State and Environmental Protection Agency, who regulate certain aspects of the Savannah River site cleanup. At the conclusion of this review, DOE will reevaluate the need for NRC review and request another meeting at that time. In the interim, NRC staff will not initiate work on a funding mechanism or technical review of the DOE report.

cc: V. Stello, DOE HQ
L. Watkins, DOE SRO
L. Ling, DOE SRO

DISTRIBUTION:

Central File DWM r/f NMSS r/f ENGB r/f PUBLIC
JGreeves JHolonich MWeber JAustin JDavis
RWeller

DOCUMENT NAME: S:\DWM\ENGB\MJB\DOESAVAN.MIN *See Previous Concurrence

OFC	ENGB*		OGC*		DWM			
NAME	MBett / eb / prf read <i>MB</i>		CWReamer		MFederline			
DATE	10/2/96 <i>10/2/96</i>		10/2/96		10/22/96			

OFFICIAL RECORD COPY

ACNW: YES ___ NO
IG : YES ___ NO Delete file after distribution: Yes ___ No
LSS : YES ___ NO

Hanford double shell tanks, the Commission reviewed and approved the staff's actions. Thus, the 6 to 7 month schedule estimated by the staff included time for Commission review in addition to the staff's technical review.

Based on these discussions, DOE said it will not be responding in the near-term to the September 13 letter to Mr. Fiori. DOE will do an internal analysis to demonstrate that the material remaining in the tanks is "incidental waste," using the criteria established in the 1993 letter from R. Bernero to J. Lytle. Following this analysis, DOE will consult with the State and Environmental Protection Agency (DOE's regulators under the Tri-Party Agreement). At the conclusion of this review, DOE will reevaluate the need for NRC review and request another meeting at that time. In the interim, NRC staff will not initiate work on a funding mechanism or technical review of the DOE report.

cc: V. Stello, DOE HQ
L. Watkins, DOE SRO
L. Ling, DOE SRO

DISTRIBUTION:

Central File DWM r/f NMSS r/f ENGB r/f PUBLIC JTD
JHolonich MWeber JAustin BGillen JDavis

DOCUMENT NAME: S:\DWM\ENGB\MJB\DOESAVAN.MIN

OFC	ENGB	OGC	DWM
NAME	MBe11/eb <i>not read at</i>	CWReamer	MFederline
DATE	10/2/96	10/2/96	10/ /96

OFFICIAL RECORD COPY

ACNW: YES ___ NO X
IG : YES ___ NO X
LSS : YES ___ NO X

Delete file after distribution: Yes ___ No X