



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 30, 1998

Dr. Thomas B. Cochran, Director
Nuclear Program
Natural Resources Defense Council
1200 New York Avenue
Suite 400
Washington, DC 20005

Dear Dr. Cochran:

I am writing to acknowledge receipt of the petition submitted to the U.S. Nuclear Regulatory Commission (NRC) by the Natural Resources Defense Council (NRDC) on October 15, 1998. The petition requested that the NRC exert authority to ensure that the U.S. Army Corps of Engineers' (Corps) handling of radioactive materials in connection with the Formerly Utilized Sites Remedial Action Program (FUSRAP) is executed in accordance with a properly issued license and all other applicable requirements.

NRC has decided to treat the petition under 10 CFR 2.206, and is currently reviewing the request.

Enclosed for your information are copies of November 30, 1998, letters notifying the U.S. Department of Energy and the Corps of the NRDC petition and the opportunity to comment (Enclosures 1 & 2). A copy of a notice of the petition for publication in the Federal Register is also enclosed (Enclosure 3). If you have any questions regarding this response or the staff's ongoing review of the NRC licensing authority over the Corps in conducting activities under FUSRAP, please contact Mr. Hampton Newsome of the Office of the General Counsel (301-415-1623) or Mr. John H. Lusher (301-415-7694) of my staff.

Sincerely,

A handwritten signature in cursive script, reading "Carl J. Paperiello", is written above the typed name.

Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated (3)

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ENCLOSURE 3

NUCLEAR REGULATORY COMMISSION

AGENCY: U.S. NUCLEAR REGULATORY COMMISSION

ACTION: RECEIPT OF PETITION FOR U.S. NUCLEAR REGULATORY COMMISSION
ACTION

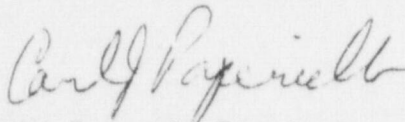
Notice is hereby given that by petition dated October 15, 1998, the Natural Resources Defense Council (NRDC) has requested that the U.S. Nuclear Regulatory Commission (NRC) exert authority to ensure that the United States Army Corps of Engineers' (the "Corps") handling of radioactive materials in connection with the Formerly Utilized Sites Remedial Action Program (FUSRAP) is effected in accord with properly issued license and all other applicable requirements. As NRDC notes in its petition, FUSRAP began in 1974 as a program of the Department of Energy (DOE), and that DOE had identified a total of 46 sites for cleanup under FUSRAP. By 1997, cleanup of 25 of these sites had been completed. There are currently 21 sites still in need of remediation. In October 1997, Congress transferred funding for FUSRAP from DOE to the Corps. NRDC believes that the Corps should obtain an NRC license to conduct activities under FUSRAP. At this time, the NRC has not required the Corps to obtain a license.

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 the Corps, and DOE and the Corps are being given the opportunity to comment. Appropriate action will be taken on this petition within a reasonable time.

FOR FURTHER INFORMATION CONTACT: John Lusher, Uranium Recovery Branch,
Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S.
Nuclear Regulatory Commission, Mail Stop T7-J9, Washington, DC 20555. Telephone
301/415-7694. 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 30 day of November 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards