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September 8, 2005

*Post Docket No.: 70-3085*

Mr. Amir Khouhestani  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Mail Stop T7 F27  
Rockville, MD 20852-2738

Subj: SNM-2001, Docket No. 70-3085  
Request to Continue per 10 CFR 70.38(c)

Dear Mr. Khouhestani:

In response to U.S. Nuclear Regulatory Commission (NRC) Notice of Expiration dated July 24, 2005, BWX Technologies, Inc. (BWXT) hereby requests to continue the subject license in accordance with the provisions of 10 CFR 70.38(c) for possession of special nuclear material at the Shallow Land Disposal Area (SLDA) in Armstrong County, Pennsylvania, beyond its stipulated October 31, 2005 expiration date. As the Commission is aware, SLDA is currently being evaluated by the U.S. Army Corps of Engineers (USACE) for possible decommissioning operations.

Historically, radioactive waste disposal operations were conducted at SLDA between 1960 and 1970. NUMEC, the former owner, disposed of low-level nuclear wastes and non-radiological wastes at SLDA. Buried radiological wastes consist of mostly uranium and some thorium associated with manufacturing by-products and from discarded protective clothing. In 1967, ARCO purchased all the stock of NUMEC and in 1971, sold the stock to Babcock & Wilcox. The facility subject to the license was conveyed to BWXT, the current owner, in 1997. ARCO, under an agreement with BWXT, continues to be responsible for providing financial assurance required under the license.

In January 2002, legislation mandated USACE to include SLDA in the Formerly Utilized Sites Remedial Action Program (FUSRAP) to cleanup radioactive waste at the site. SLDA is currently in the Remedial Investigation phase of that process, with expectation of remedial action in the 2007-2008 time frame. Other than FUSRAP-related activities of USACE, the site remains inactive.

Under a continuation of license number SNM-2001, BWXT will continue to adhere to the current license provisions as well as any approved amendments (there are no current outstanding amendment requests). BWXT does however expect to submit at a later date a request for amendment to update the license condition number 14, Schedule for Decommissioning Site.

*Rec'd  
9-14-05  
AMC*

In addition, the terms of the NRC letter dated April 8, 2003, "ENFORCEMENT DISCRETION WITH REGARDS TO U. S. ARMY CORPS OF ENGINEERS ACTIVITIES UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT", remain in effect, recognizing that access as described therein is currently operational, and will continue in effect until the license is formally suspended in accordance with the procedures set out in the July 5, 2001, MOU between NRC and USACE.

Attached for your information is a tabular summary of licensing activities associated with SNM-2001 and a copy of the NRC Notice of Expiration dated July 24, 2005.

If you have any questions regarding this request, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Chalker". The signature is fluid and cursive, with a long horizontal line extending from the left side.

Terry Chalker  
Senior Project Manager

Attachments

# **Attachment**

## **History of SLDA NRC License SNM-2001**

<b>Action</b>	<b>Date</b>	<b>Description</b>
Application Letter	August 8, 1995	Request for separate license for SLDA
License	October 24, 1995	Issuance of License
Amendment No. 1	March 22, 1999	Revision of Condition 14A
Amendment No. 2	February 29, 2000	Add Condition 16
Amendment No. 3	December 14, 2000	Revised Condition 14A
Amendment No. 4	December 4, 2001	Revised Condition 14
Amendment No. 5	April 22, 2002	Revised Condition 16
Amendment No. 6	June 19, 2002	Expanded site boundaries
Amendment No. 7	March 27, 2003	Revised Condition 16 and other administrative corrections



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

JULY 24, 2005

BWX TECHNOLOGIES, INC.  
MC 106  
2016 MOUNT ATHOS RD  
LYNCHBURG, VA 24504-5447

License No. SNM-2001  
Expiration Date: 10/31/2005  
Program Code: 21135

Gentlemen:

SUBJECT: NOTICE OF EXPIRATION

Your special nuclear material license expires on the date shown above. If you desire to continue your program using special nuclear material, an application for renewal of the license should be filed with this office. It is important that the appropriate fee accompany your application for license renewal (see 10 CFR 170.31). You may have been informed that licensing authority for your activities has been delegated to the NRC Regional Administrator. In this case, your license renewal application should be filed with the NRC Regional Office. The application should be submitted pursuant to Title 10, Code Federal Regulations, Part 70, Section 70.33, using the format previously submitted for your license, unless otherwise instructed. Pursuant to 10 CFR Part 51, environmental data and information to support the renewal application are necessary. You are encouraged to contact the NRC licensing staff regarding the type and scope of environmental information appropriate for your proposed license renewal. You are also reminded that you are required to implement the applicable provisions of the revised 10 CFR Part 20 no later than January 1, 1994.

It is to your advantage to file the renewal application at least 30 days before the expiration date of your existing license. Your program will then be covered by your existing license until action is taken on your renewal application in accordance with Section 70.33(b). If your application is filed less than 30 days prior to the expiration date of your license and cannot be processed before the license expires, you may have to cease activities using special nuclear material in accordance with the provisions of Section 70.38. If you do not wish to renew your license, these actions required by Section 70.38 must be completed.

If you have obtained an amendment which has extended the expiration date of your license or if a new license has been issued which supersedes the above license, please disregard this notice.

This notice of your license expiration is sent for your convenience and it should not be interpreted that similar notices will be sent in the future. The responsibility for timely submission of an application for license renewal remains with the licensee. If you have any questions regarding these matters, including the content of a renewal application, please contact this office or the NRC Regional Office, as appropriate.

Fuel Cycle Safety Branch  
Division of Industrial and  
Medical Nuclear Safety

Enclosures:

1. Form 314
2. 10 CFR Parts 51, 70