



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

March 3, 2006

Clair D. McBride, Chief
Compliance Office
Department of the Army
Dugway Proving Ground
Dugway, UT 84022-5000

SUBJECT: ASSESSMENT OF FORMER BURIAL SITE AT DUGWAY PROVING GROUND

Dear Mr. McBride:

By letter dated June 5, 2000, you notified the NRC of a radioactive materials burial site at Dugway Proving Ground. In response, by letter dated March 13, 2001, the NRC described the steps necessary for you to assess and/or remediate the burial site. However, by correspondence dated April 30, 2001, you requested termination of NRC Materials License No. 43-01316-09. Although the burial site was not specifically mentioned as a location of use in your license at that time, your termination request did not address the burial site. The NRC subsequently granted your request and terminated the license on October 12, 2001. A new license, No. 43-013016-10, was issued to you during March 2003 for possession of sealed sources for an irradiator. This new license does not reference the burial site.

The NRC recently conducted a review of your terminated license docket file and has determined that decommissioning records for the burial site are incomplete. Based on the information provided in your June 5, 2000, letter and a telephone conversation with you on February 14, 2006, we understand that you permanently discontinued the use of the burial site during the 1960s. The purpose of this letter is to remind you of the Timeliness Rule requirements of 10 CFR 30.36.

On July 27, 1997, the License Termination Rule was finalized and published in the Federal Register (62 FR 39058) as 10 CFR Part 20, Subpart E. This rule established a 0.25 millisievert (25 millirem) per year dose limit for the unrestricted release of sites. Current NRC guidance to assist in the technical review and evaluation of former burial sites is included in NUREG-1757, Consolidated NMSS Decommissioning Guidance, Volume 2, Appendix J, "Assessment Strategy for Buried Material."

You are requested to perform an assessment of your burial site for compliance with the 25-millirem per year limit using the guidance provided in NUREG-1757, Volumes 1-3, and take one of the following two actions:

1. If your assessment demonstrates that the burial site meets the 25-millirem per year dose limit, submit documentation of the assessment to the NRC for inclusion into the

docket file to support the license termination decision within 30 days after the completion of the assessment, or

2. If your assessment shows that your burial site does not meet the 25-millirem per year dose limit, begin decommissioning only if a decommissioning plan is not required pursuant to 10 CFR 30.36(g)(1), or submit within 12 months of the date of this letter a decommissioning plan in accordance with 10 CFR 30.36(d).

If you choose Action 2, you are requested to inform the NRC in writing of your plans for the remediation of the burial site within 30 days of the completion of your assessment, including a proposed timetable for remediation. The NRC will use this information, in part, to ascertain whether a new license is necessary for this activity or to include the burial site as a location of use on your existing irradiator License No. 43-01316-10.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this letter, please contact Mr. Robert Evans, Senior Health Physicist, at (817) 860-8234 or the undersigned at (817) 860-8191.

Sincerely,

/RA/

D. Blair Spitzberg, Ph.D., Chief
Fuel Cycle & Decommissioning Branch
Division of Nuclear Materials Safety

Docket No.: 030-12715
License No.: 43-01316-09 (terminated)

cc:
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FCDB

RIV Materials Docket Files - 5th Floor

SUNSI Review Completed: RJE ADAMS: ☒ Yes ☐ No Initials: RJE
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DOCUMENT NAME: s:\dnms\!fcd\!rje\Dugway Proving Ground Burial Site.wpd final r:_dnms

RIV:DNMS:FCDB	SAO	C:FCDB	C:NMLB
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