



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

September 14, 2006

Docket No. 04007354
Control No. 137815

License No. SUB-834

COL John P. Rooney
Commander
Department of the Army
U. S. Army Aberdeen Test Center
ATTN: CSTE-DTC-AT-CO
400 Collieran Road
Aberdeen Proving Ground, MD 21005-5059

SUBJECT: DEPARTMENT OF THE ARMY, APPLICATION FOR LICENSING ACTION,
CONTROL NO. 137815

Dear COL Rooney:

This refers to your license amendment request. Enclosed with this letter is the amended license.

In accordance with the provisions of 10 CFR 40.14, "the Commission may, upon application by an interested person or on its own initiative, grant such exemptions from the requirements of the regulations...as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest." To the extent that the material authorized for disposal in this 20.2002 authorization is otherwise licensable, the staff concludes that the site authorized for disposal is exempt from further AEA and NRC licensing requirements. The enclosed safety evaluation report concludes that the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The staff also evaluated the environmental impacts of the exemptions and determined that granting these exemptions would not result in any significant impacts. For this action, the Environmental Assessment and Finding of No Significant Impact were prepared and published in the Federal Register Federal Register, Volume 71, Number 177 (71 FR 54099). A copy of the Federal Register notice is enclosed for your information.

Accordingly, pursuant to 10 CFR 40.14, the exemptions are granted and effective immediately.

In addition, condition No. 12 of Amendment No. 29 has been deleted. This condition was included in Amendment No. 29. in error.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

J. Rooney
Department of the Army

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Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosures:

1. Amendment No. 31
2. 71 FR 54099
3. Safety Evaluation Report

cc w/enclosures:

John C. Beckman, Radiation Safety Officer

J. Rooney
Department of the Army

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DOCUMENT NAME: E:\Filenet\ML062570209.wpd

SUNSI Review Complete: EUllrich

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MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	In accordance with the letter dated September 13, 2005,
1. Department of the Army Commander U.S. Army Aberdeen Test Center	3. License number SUB-834 is amended in its entirety to read as follows:
2. 400 Colleran Road Aberdeen Proving Ground, MD 21005-5059	4. Expiration date September 30, 2008
	5. Docket No. 040-07354 Reference No.

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|-------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------------|
| 6. Byproduct, source, and/or special nuclear material | 7. Chemical and/or physical form | 8. Maximum amount that licensee may possess at any one time under this license |
| A. Uranium (natural) | A. Any | A. 5 kilograms |
| B. Uranium (depleted) | B. Metal Alloy | B. 500,000 kilograms |
| C. Thorium | C. Any | C. 5 kilograms |

9. Authorized use:

- A. through C. For use in evaluating munitions, projectiles, armor and other components; for use as shielding material; for use as a simulator of special nuclear devices; for testing of various components including the routine test firing of penetrators into enclosed targets at the Ford Farm Range; and as waste from U.S. Army tenants located at Aberdeen Proving Ground.

CONDITIONS

10. Licensed material may be used only at the licensee's facilities located at Aberdeen Proving Ground, Maryland.
11. A. Licensed material shall only be used by, or under the supervision of, individuals designated, in writing, by the Radiation Safety Committee. The licensee shall maintain records of individuals designated as users for 3 years following the last use of licensed material by the individual.
- B. The Radiation Safety Officer for this license is John C. Beckman.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

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12. The total amount of depleted uranium contained in spent munitions which may remain in the Outdoor Target Area under the authorization of this license shall not exceed 200,000 kilograms. Records of inventory of material fired into and retrieved from the Outdoor Target Area shall be maintained.
13. The licensee shall not conduct destructive tests involving source material such that airborne radioactivity would be released to unrestricted areas as defined in 10 CFR 20.1003.
14. Radioactive waste shall be stored in accordance with the statements, representations, and procedures included with the waste storage plan described in the licensee's letters dated February 6, 1995 [ML053550400] and July 12, 1995 [ML053550395].
15. Pursuant to 10 CFR 20.2002, the licensee is authorized to dispose of the following material by transferring it to the U. S. Ecology landfill (a Subtitle C Resource Conservation and Recovery Act (RCRA) hazardous waste disposal facility) in Idaho: two M2A2 Bradley Fighting Vehicles, containing an approximate total of 800 microcuries of depleted uranium. Pursuant to 10 CFR 40.14, U. S. Ecology is granted an exemption to the licensing requirements of 10 CFR Part 40. Under this exemption, upon receipt at U. S. Ecology's disposal facility, any depleted uranium on the two vehicles will no longer be subject to NRC regulation, and will no longer be NRC licensed material. Therefore, the waste is not subject to licensing or regulation by the NRC under the Atomic Energy Act at the time of disposal.
16. The licensee may transport licensed material in accordance with the provisions of 10 CFR 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE
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17. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- A. Letter dated May 16, 1990 [ML053550117]
- B. Letter dated July 11, 1990 [ML053550133]
- C. Letter dated July 25, 1990 [ML053550159]
- D. Application dated August 8, 1990 [ML060260046, ML060260112, ML060260119]
- E. Letter dated October 30, 1990 [ML053550403]
- F. Letter dated October 28, 1991 [ML053620244]
- G. Letter received November 5, 1991 [ML053620245]
- H. Letter dated March 18, 1992 [ML053620249]
- I. Letter dated February 6, 1995 [ML053550400]
- J. Letter dated July 12, 1995 [ML053550395]
- K. Letter dated May 31, 1996 [ML053550382]
- L. Application dated June 23, 1997 [ML053550374]
- M. Letter dated September 4, 1998 [ML053550372]
- N. Letter dated September 13, 2005 [ML052870504]

For the U.S. Nuclear Regulatory Commission

Original signed by Elizabeth Ullrich

Date September 14, 2006
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By _____
Elizabeth Ullrich
Commercial and R&D Branch
Region I
King of Prussia, Pennsylvania 19406