

August 8, 2011

Lieutenant General Rick Lynch
Department of the Army
U.S. Army Installation Management
Command
11711 North IH 35 STE 110
San Antonio, TX 78233-5498

SUBJECT: REQUEST FOR ARMY COMMENTS ON PROPOSED DIRECTOR'S
DECISION – U.S.ARMY INSTALLATION MANAGEMENT COMMAND

Dear General Lynch:

By e-mail dated March 4, 2010 (Agencywide Document Access and Management System Accession Number (ADAMS) ML100640665), Mr. Issac Harp (the Petitioner) filed a Petition pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 "Requests for action under this subpart" requesting that the U.S. Nuclear Regulatory Commission (NRC) take enforcement action against the U.S. Army (the Army) by initiating an investigation into the potential violation of NRC License SUB-459. As the basis for the request, the Petitioner stated that the Army license expired on October 31, 1964, and that if any depleted uranium was possessed or released into the environment after the license expiration date, this was an unlawful act and subject to NRC enforcement policies.

On April 14, 2010, NRC's Petition Review Board (PRB) met with the Petitioner by teleconference and the Petitioner provided additional information in support of the Petition. The transcript of this meeting was treated as a supplement to the Petition and is available in ADAMS at ML111240096. On April 22, 2010, the NRC staff informed the Petitioner that the PRB had recommended that the Petition be accepted for review and NRC staff offered the Petitioner a second opportunity to address the PRB. This opportunity was declined. By letter dated April 26, 2010 (ML101100139), the NRC staff formally notified the Petitioner of the PRB's recommendation to accept the Petition for review under 10 CFR Section 2.206.

The Petition has been reviewed by the NRC staff pursuant to 10 CFR Section 2.206. The NRC staff's proposed Director's Decision on the petition is enclosed. I request that you provide comments to me on any portions of the Decision that you believe involve errors or any issues in the Petition that you believe have not been fully addressed. The NRC staff is making a similar request of the Petitioner. The NRC staff will then review any comments provided by you and the Petitioner and consider them in the final version of the Director's Decision with no further opportunity to comment.

Lt. Gen. R. Lynch

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please provide your comments within 30 days of the date of this letter.

Sincerely,

/RA/

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-9083

Enclosure:
Proposed Director's Decision

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Please provide your comments within 30 days of the date of this letter.

Sincerely,

Cynthia A. Carpenter, Acting Director
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-9083

Enclosure:
Proposed Director's Decision

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