

February 27, 2012

MEMORANDUM TO: Raymond K. Lorson, Director
Division of Nuclear Materials Safety, RI

FROM: Keith I. McConnell, Deputy Director **/RA/**
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: RESPONSE TO TECHNICAL ASSISTANCE REQUEST DATED
SEPTEMBER 19, 2011, FOR WALTER REED ARMY MEDICAL
CENTER

In November 2011, Region I submitted a Technical Assistance Request dated September 19, 2011, requesting deferral of U.S. Nuclear Regulatory Commission oversight of planned decommissioning activities at the Walter Reed Army Medical Center Diamond Ordnance Radiation Facility to the Army Reactor Office (ARO). The purpose of our review was to determine whether the planned decommissioning actions can be deferred to the ARO. The Materials Decommissioning Branch has completed its review of this request and has determined that the planned decommissioning activities fall under the authority of the ARO and that there is precedent for deferring the oversight of these decommissioning activities.

Enclosure: Technical Evaluation Report

CONTACT: Ken Kalman, FSME/DWMEP
(301) 415-6664

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DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION
TECHNICAL EVALUATION REPORT
RELATED TO THE DEFERRAL OF DECOMMISSIONING ACTIONS
AT THE WALTER REED ARMY MEDICAL CENTER
DIAMOND ORDNANCE RADIATION FACILITY
TO THE ARMY REACTOR OFFICE

1.0 BACKGROUND

By letter dated August 25, 2011, the Department of the Army submitted a request for the U.S. Nuclear Regulatory Commission (NRC) to defer regulatory oversight of planned decommissioning actions at the Walter Reed Army Medical Center (WRAMC) Diamond Ordnance Radiation Facility (DORF) to the U.S. Army Reactor Office (ARO).

2.0 TECHNICAL EVALUATION

The U.S. Army operated the DORF from September 1961 through 1977. The reactor operation was under the regulatory review of the ARO under the authority of Section 91.b of the Atomic Energy Act of 1954. The same building that housed the reactor (Building 516) also was used for storage and packaging of radioactive waste after 1988 under the provision of NRC License 08-01738-02. Thus, the NRC does have jurisdiction over this facility and for ensuring the facility meets the 10 CFR 20 Subpart E Radiological Criteria for License Termination. The DORF was initially decommissioned in 1980; however, ARO Permit DORF-97-1 was issued on June 3, 1997, because there were residual exposure rates in the Exposure Room of the DORF which did not meet the new 10 CFR 20 Subpart E criteria.

More recently, in accordance with NRC guidance, particularly NUREG-1757 and NUREG-1575, WRAMC and the Army Research Laboratory have performed radiological surveys of buildings, grounds and systems associated with the DORF. These included stationary direct radiation measurements, scanning radiation measurements, smear sample collection and analysis, and volumetric sample collection and analysis. These surveys were developed in accordance with MARSSIM guidance for final status surveys.

NRC staff evaluated the licensee's recent radiological surveys associated with the DORF and determined that all radioactive waste associated with NRC License 08-01738-02, has been removed from the DORF. Trace quantities of tritium were found on indoor smear samples. The only residual radionuclides that pose a potential risk to current and future inhabitants are activation products from reactor operations (isotopes of europium) which are within structural concrete and are not potentially commingled with any NRC-licensed residual radioactivity. The ARO has the regulatory authority for decommissioning actions related to the reactor that was formerly operated at the facility under the authority of Section 91.b of the Atomic Energy Act of 1954. It should be noted that the ARO is required to follow NRC regulations and guidance when conducting oversight of permitted operations and decommissioning.

The NRC staff has determined that the actions needed to complete decommissioning of the DORF pertain only to activation products related to former reactor operations that were regulated under the authority of the ARO.

Enclosure

3.0 REGULATORY EVALUATION

The NRC staff has identified precedents for deferring NRC regulatory authority to another entity.

On June 16, 1995, NRC deferred, to the U.S. Environmental Protection Agency (EPA), the regulatory oversight for cleanup of contamination at the West Lake Landfill site in Bridgeton, Missouri (ML003703126). The property, which contained both hazardous and radioactive waste, was being remediated by EPA under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Based on its review, NRC concluded that the program being administered by EPA was adequate to protect the public and the environment from the risks associated with radioactive contamination. The NRC also noted that regulatory oversight by both NRC and EPA would be burdensome and duplicative.

On July 29, 2009, the NRC issued a Federal Register Notice regarding its involvement with the U.S. Navy's remediation of the Hunters Point Shipyard (HPS) site in San Francisco, California (ML091310665). In response to a request from the U.S. Navy for clarification about NRC's jurisdiction, the NRC decided to take a limited involvement approach to stay informed about the U.S. Navy's ongoing remediation of the HPS site. The NRC opted to rely on the CERCLA process and the EPA Region 9 oversight.

Based on these precedents, the NRC staff has concluded that authority for decommissioning activities can be deferred to other Federal entities if the action does not have a negative impact on protecting public health, safety and the environment. In the present action, NRC staff does recognize a regulatory overlap between the ARO and the NRC with respect to the DORF. Additionally, NRC staff believes that deferring regulatory oversight to the ARO will not have a negative impact on protecting public health, safety, and the environment. However, the staff recommends that the NRC be kept informed of these activities and maintain authority to review and concur on the release of the DORF for unrestricted use.

4.0 SUMMARY AND CONCLUSIONS

The NRC staff determined, from technical and regulatory aspects, that the licensee's request to defer regulatory oversight of decommissioning actions, pertaining to the WRAMC DORF, from the NRC to the ARO will preserve the objective of protecting public health and safety and the environment as well as minimizing regulatory overlap. However, if regulatory oversight is deferred to the ARO, the Army should be required to submit an annual report on the status of WRAMC DORF decommissioning to the NRC, and NRC should maintain authority to review and concur on the release of the facility for unrestricted use.