

From: Lawyer, Dennis
Sent: Wednesday, April 25, 2012 3:08 PM
To: Madairy, Paul R CTR (US)
Subject: Department of the Army, Request for Additional Information Concerning Financial Assurance Documents, Control 576482

Dear Mr. Madairy,

This is in reference to your letter dated April 19, 2012, providing financial assurance for decommissioning for Nuclear Regulatory Commission License No. 19-10306-01. In order to continue our review, we need the following additional information:

1. The Statement of Intent stated that the signature authority was established by the electronic mail "CSLMO Sends – SES Reassignments" dated 13 February 2008. This electronic mail states that Mr. Richard V. Decker is the Director, Engineering Directorate. An electronic mail was provided dated February 8, 2012, that Dr. Joe Corriveau is the Acting Technical Director as authorized by Joe Wienand. The connection between the 13 February 2008 memorandum and Joe Wienand is unclear. Additionally, RDECOM Regulation 10-1, Mission and Major Functions of the Research, Development and Engineering Command, Chapter 6, section 06-06 does not appear to state the responsibilities of the Directors or state that the Technical Director has the authority to request funds. NUREG-1757, Volume 3, Consolidated NMSS Decommissioning Guidance Financial Assurance, Recordkeeping, and Timeliness gives the following guidance in section A16.3: Submit documentation verifying that the person signing the statement of intent is authorized to represent the licensee in the transaction (i.e., has the authority to request and obtain decommissioning funds from the appropriate funding body when necessary). The authority should originate in a statute authorizing the head of the agency, department, or institution to request funds. If the agency head designates another person within the agency to exercise that authority, the delegation of authority should be controlled by appropriate procedures issued by the agency, and documented in written form. Documentation to be submitted with the statement of intent should include a copy of the relevant portion of the statute granting authority. When the agency head designates another person to exercise the authority, documentation should include a copy of the agency procedure used to make the designation and a copy of the document used to record the designation of authority. Please submit a Statement of Intent along with documentation to support the guidance.
2. On the Certification of Financial Assurance, the certification states that you have source material licensed under 10 CFR Part 30. You have byproduct material licensed under 10 CFR Part 30. Please correct this error.
3. On the Certification of Financial Assurance, the amount that was certified was reflects the previous calculated value instead of the value calculated in the April 19, 2012 letter.
4. The Decommissioning Funding Plan should determine the means that will be used to adjust the site-specific cost estimate and associated funding levels periodically over the life of the facility, as listed in our guidance, NUREG-1757, Volume 3. You had placed in a commitment to perform the site-specific cost estimate at least every three years but did not include performing a cost estimate if material use changed significantly from current

operations. Please include a commitment to recalculate the sit-specific cost estimate if material use changes significantly.

We will continue our review upon receipt of this information. Please reply to my attention at the Region 1 Office and refer to Mail Control No. 576482. If you have technical questions regarding this letter, please call me at (610) 337-5366.

Please note that the Region I Division of Nuclear Materials Safety will be moving effective May 9, 2012. Our new address will be:

USNRC – Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

Please note that you may not reply to this letter by return e-mail. Your reply must be in writing by letter or facsimile (610-337-5269). If we do not receive a reply from you within 30 calendar days from the date of this e-mail, we will assume that you do not wish to pursue your application.

Dennis Lawyer
Health Physicist
U.S. Nuclear Regulatory Commission
Division of Nuclear Material Safety
610-337-5366
610-337-5269 (F)