

August 12, 1997

30-28641  
42-23 539-01A



MEMORANDUM TO: Larry W. Camper, Chief  
Medical, Academic, and Commercial  
Use Safety Branch  
Division of Industrial and Medical Nuclear Safety, NMSS

FROM: John W. Hickey, Chief [Original signed by T.C. Johnson for]  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management, NMSS

SUBJECT: RESPONSE TO REGION IV TAR REGARDING DEPARTMENT  
OF AIR FORCE

DWM has reviewed the R IV TAR regarding Department of Air Force License No. 42-23539-01AF, to determine whether 10 CFR 30.36 is applicable to burials accomplished prior to the issuance of the USAF Master Materials License. DWM concurs with R IV's recommended positions that: (1) "10 CFR 30.36 does not apply to operations conducted under AEC or NRC licenses which have been terminated, provided these operations were not continued under another license;" and (2) Activities licensed under Air Force licenses, including burials, were transferred to the Master Materials License, and therefore, 10 CFR 30.36 applies to the USAF burials completed before the issuance of the Master Materials License.

Contact: John Buckley, DWM/NMSS  
301-415-6607

TICKET:LLDP-7106

DISTRIBUTION: Central File NMSS r/f PUBLIC LLDP r/f

DOCUMENT NAME: s:\dwm\lldp\jtb\usaf.tar

\*see previous concurrence

OFC	LLDP		LLDP		OFC	LLDP			
NAM E	JBuckley* <i>JB</i>		LBell*		RForner <i>R Forner</i>	JHickey <i>JHickey</i>			
DAT E	7/17/97		7/17/97		7/24/97	8/12/97			

OFFICIAL RECORD COPY

LSS : YES x NO   

ACNW: YES    NO x

IG : YES    NO x

PDR : YES x NO   

Delete file after distribution: Yes x No



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

August 12, 1997

**MEMORANDUM TO:** Larry W. Camper, Chief  
Medical, Academic, and Commercial  
Use Safety Branch  
Division of Industrial and Medical Nuclear Safety, NMSS

**FROM:** John W. Hickey, Chief  
Low-Level Waste and Decommissioning Projects Branch *JWH*  
Division of Waste Management, NMSS

**SUBJECT:** RESPONSE TO REGION IV TAR REGARDING DEPARTMENT  
OF AIR FORCE

DWM has reviewed the R IV TAR regarding Department of Air Force License No. 42-23539-01AF, to determine whether 10 CFR 30.36 is applicable to burials accomplished prior to the issuance of the USAF Master Materials License. DWM concurs with R IV's recommended positions that: (1) "10 CFR 30.36 does not apply to operations conducted under AEC or NRC licenses which have been terminated, provided these operations were not continued under another license;" and (2) Activities licensed under Air Force licenses, including burials, were transferred to the Master Materials License, and therefore, 10 CFR 30.36 applies to the USAF burials completed before the issuance of the Master Materials License.

**Contact:** John Buckley, DWM/NMSS  
301-415-6607



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

REGIONAL TECHNICAL ASSISTANCE REQUEST FORM

Date:

Mail or E-Mail to:

Donald A. Cool, Ph.D. (DAC), Mail Stop: 8 F5 TWFN  
Division of Industrial and Medical Nuclear Safety, NMSS

From:

D. Blair Spitzberg, Ph.D. (DBS), Chief  
Nuclear Materials Licensing Branch, RIV

Licensee: Department of the Air Force

License No.: 42-23539-01AF

☐ Control No.: N/A

☐ Letter dated: September 20, 1996, with attachments. This letter was informally sent to DWM for review on October 1, 1996.

☐ Suggested change in licensing procedure (enclosed): None

☐ Problem/Issue:

1. The licensee states that in 1959 the U.S. Air Force rescinded the authority for onsite burials. Because this action predates the issuance of the Air Force Master Materials License (June 26, 1985), the licensee claims no burials have been accomplished pursuant to former 10 CFR 20.304, 20.302, and current 20.2002. Therefore, the licensee contends that 10 CFR 30.36 does not apply.
2. The licensee also contends that burials which predate the Master Materials License were accomplished under terminated AEC or NRC licenses; therefore, the "timeliness rule" is not applicable.

☐ Action Required:

1. Determine whether or not 10 CFR 30.36 is applicable to burials accomplished prior to the issuance of the USAF Master Materials License.

Recommended Action:

The Region agrees that 10 CFR 30.36 does not apply to operations conducted under AEC or NRC licenses which have been terminated, provided these operations were not continued under another NRC license. The Air Force licenses were terminated concurrent with the issuance of the Master Materials License. Therefore, the Region maintains that licensed activities including burials were transferred to the Master Materials License. Consequently, the Region believes that the "timeliness rule" applies to the burials accomplished prior to the issuance of the USAF Master Materials license.

4/2  
L. Beck  
Respond to  
6/30/97  
4/30

*[Signature]*

Donald A. Cool, Ph.D.

-2-

The Region recommends that the licensee be required to comply with 10 CFR 30.36 for burials accomplished under NRC licenses transferred to the Master Materials License.

**Remarks:**

**Headquarter Reviewer:**

**Regional Reviewer:** Christi Hernandez

**Reviewer Code:** T2

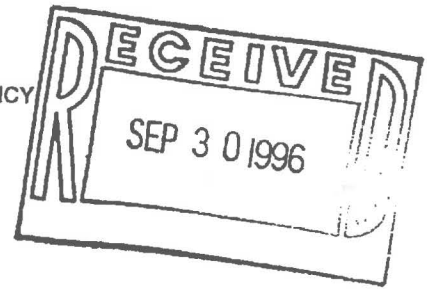
**Reviewer Phone No.:** 817-860-8217

**FAX No.:** 817-860-8263

**Request Needed by:** June 1, 1997



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE MEDICAL OPERATIONS AGENCY  
BROOKS AIR FORCE BASE, TEXAS



20 Sept 1996

MEMORANDUM FOR USNRC Region IV  
ATTN: Ms. Linda McLean

FROM: HQ AFMOA/SGOR  
8901 18th St.  
Brooks AFB TX 78235-5217

SUBJECT: NRC Information Notice 96-47; Recordkeeping, Decommissioning Notifications for Disposal  
of Radioactive Waste by Land Burial Authorized Under Former 10 CFR 20.304, 20.302, and  
current 20.2002


Thank you for faxing a copy of NRC Information Notice 96-47 for our review and comment. As of the date of this memorandum, the we have not received a copy of this information notice through normal distribution channels.

As stated in paragraph 1 of the attached 1988 AFOMS/SGPR policy letter (ref. atch 1), in 1959 the Air Force rescinded its general authority for onsite burial of radioactive waste and required the use of a contractor disposal system. This position was restated in the memorandum of understanding between the Air Force and the Nuclear Regulatory Commission (NRC) which was included as enclosure 2 to the 26 June 1985 NRC letter conveying the Master Materials License (# 42-23539-01AF) to the Air Force (ref. Atch 2). Thus no radioactive material disposals have been accomplished under the Master Materials License pursuant to former 10 CFR 20.304, 20.302, and current 20.2002.

Remediation of radioactive materials burial sites which predate the Master Materials License (i.e., prior to 26 June 1985) are being managed under the Air Force's Environmental Restoration Program. This program is described in Air For Instruction 32-7020 which is included as attachment 3 for your review. It is our understanding that the timeliness rule does not apply to operation which were conducted under previously terminated AEC or NRC licenses.

I assure you that the Air Force intends to closely coordinate all decommissioning activities involving NRC regulated materials with you and that we will continue to apply the timeliness in decommissioning rule to all operations performed under the Master Materials License. In addition, compliance with this rule is a special focus issue in all permit renewals and inspections.

I hope you find this memorandum responsive to the issues raised in Information Notice 96-47. If you have any questions or require any additional information, please feel free to contact me by telephone at (210) 536-3331 or by E-mail at [donnell\\_j@msa01.brooks.af.mil](mailto:donnell_j@msa01.brooks.af.mil).

  
JOSEPH J. DONNELLY, Lt Col, USAF BSC  
Chief, USAF Radioisotope Committee Secretariat  
Office of the Surgeon General



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
BOLLING AFB DC 20332-6188

13-6

9 AUG 1989

REPLY TO AFPM SGPR  
ATTN OF: BROOKS AFB, TEXAS 78133-9000

SUBJECT: Maintenance Requirements for Radioactive Waste Burial Sites on Air Force Installations

TO ALMAJCOM/SG/DE HQ AFISC/SG/SN HQ USAFA/SG  
HQ AFRES-WR/ROY HQ AFRES-ER/ROY HQ AFRES-CR/ROY

1. In the early 1950's, it was common practice in the United States to bury radioactive waste. The Air Force adopted this practice and developed a technical order (TO 00-110A-1) which specified procedures to be followed. Sites were to be fenced and locked with radioactive material warning placards posted. Periodic monitoring was required to maintain placards. In 1959, the general authority to bury radioactive waste was rescinded, and the Air Force converted to a contractor disposal system (TO 00-0110N-2).

2. A review of radioactive burial sites was made in the early 1970's, and it was found that a gradual loss of accountability of sites was occurring. Policy guidance given in a 1974 ALMAJCOM letter, required identification of all known sites on Base Master Plans, maintenance of existing fencing, and posting of sites. Accountability and disposition management of radioactive waste burial sites was subsequently made a part of the installation restoration program (IRP).

3. Because of current public attitudes toward radiation issues and nuclear wastes in particular, there is a clear need to ensure proper physical maintenance and control over existing burial sites beyond simply ensuring their location is identified on the Base Master Plan. The following are the minimum requirements for maintenance of known radioactive waste burial sites:

a. The site must be clearly identified in Tab C-1 of the Base Master Plan.

b. Each boundary must be clearly delineated and access to the site restricted by a substantial physical barrier, such as chain link or equivalent antipersonnel fencing. Exceptions may be granted by MAJCOM/DEs (with Surgeon General coordination) from the fencing requirements when it would present a hazard to aircraft or vehicular traffic, or an equivalent barrier to inadvertent digging or personnel access already exists, e.g., pavement or other structure. Any exemption granted must specify how marking requirements of paragraph 3c are to be met.

c. The site boundary must be clearly marked on each accessible side with radioactive material signs (sample at Atch 1).

d. Fencing and signs must be kept in good repair, and soil surface protected against erosion by grasses or other ground covers which promote site stability. The site will be kept clear of deep rooted plants, such as shrubs and trees. In arid locations, a stone or gravel cover may be used in place of grass.

4. The base radiation safety officer (RSO) must conduct annual visits to verify maintenance of the site in accordance with the above requirements. Site surveillance will include a visual inspection of the integrity of pipe caps or other closure devices which may protrude above grade level. Any evidence of intrusion or damage to the site must be reported to base management for corrective action, and a survey conducted with field instruments (AN/PDR 27 and AN/PDR 56F or PAC-IS or equivalent) to confirm site contents were not disturbed. A written report of each visit will be prepared which documents findings with regard to each requirement of paragraph 3 above. The original will be kept by the RSO, with a copy to the base environmental coordinator.

5. This guidance will be incorporated into the next change to AFR 161-16, Control of Radioactive Material. This is a coordinated HQ USAF/SGP/LEE letter. Our point of contact is Col David Wood, HQ AFOMS/SGPR, AUTOVON 240-3331.

FOR THE CHIEF OF STAFF



CHARLES K. MAFFET, Colonel, USAF, MC  
Deputy Director, Professional Affairs  
and Quality Assurance  
Office of the Surgeon General

1 Atch  
Warning Sign Sample

cc: HQ AFTAC/SE  
HQ USEUCOM/ECMD