

From: [Yadav, Priya](#)
To: ["Cherry, Robert N CIV USARMY IMCOM HQ \(USA\)"](#)
Cc: [Koenick, Stephen](#); [Irvin, Ian](#)
Subject: Response to Question regarding Decommissioning individual RCAs under Davy Crockett DU SML #Suc-1593
Date: Friday, February 21, 2020 2:29:14 PM

Dr. Cherry,

We have looked into your question below (and your email about Fort Jackson) and reviewed the current license and believe the best approach to decommissioning individual RCAs as you outline below would be under license condition (LC) 16c, which states:

"When the licensee engages an NRC or Agreement State licensed contractor to undertake decommissioning or ground disturbing activities to collect or remove depleted uranium fragments or contaminated soil that is identified during routine range activities at any of the RCAs, the licensee will notify NRC in accordance with the requirements of 10 CFR 40.42(g) (1). The licensee shall provide NRC with the contractor's site-specific decommissioning plans and all other documents associated with radiation safety and environmental monitoring associated with the proposed decommissioning or ground disturbing activities in accordance with the requirements of 10 CFR 40.42 prior to the commencement of the activity. If issues are identified by NRC that could impact radiological health and safety, they will be resolved prior to the commencement of the activity."

We do not believe a license amendment is needed to begin doing this decommissioning work, rather the Army would submit a decommissioning plan for each RCA or groups of RCA at each Army installation (presumably from your contractor as you indicate below). Then the NRC would review the DP in accordance with 10 CFR 40.42 and NUREG-1757, Volume 1 (<https://www.nrc.gov/docs/ML0630/ML063000243.pdf>) prior to the commencement of the work. We would need to document our review (e.g., in a letter or SER) and conduct a NEPA evaluation (e.g., Environmental Assessment). Following the decommissioning work, there would be a separate licensing action for "partial site release" to amend to the license to remove those RCAs from the M101 Impact Areas.

In addition, decommissioning work is fee recoverable by the NRC, so there would be fee billing costs to the Army.

The approach you outline below would be considered a transfer of material, which would require a license amendment and associated hearing rights. So this approach would likely be a longer timeframe to complete. We think it would be most efficient to proceed under LC 16c.

Please let me know if you have questions.

Priya Yadav, P.E.

Project Manager

U.S. Nuclear Regulatory Commission

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-----Original Message-----

From: Cherry, Robert N CIV USARMY IMCOM HQ (USA) <robert.n.cherry.civ@mail.mil>

Sent: Friday, September 27, 2019 11:02 AM

To: Yadav, Priya <Priya.Yadav@nrc.gov>

Cc: Evens, Andrew B LRL <andrew.b.evens@usace.army.mil>; Valadez, Ernesto Jr CIV USARMY IMCOM HQ (US) <ernesto.valadez.civ@mail.mil>

Subject: [External_Sender] Question regarding Davy Crockett DU SML #Suc-1593

Ms. Yadav,

As you know, subject license is for possession only. If the Army wants to decommission a radiation control area (RCA) at one of our installations, we would have to apply for and obtain a license amendment before we could proceed with the decommissioning actions.

A couple of our installations have asked about clearing a couple of the RCAs on their installations and are coming up with the necessary funding. Given that it could take a couple of years to obtain a license amendment based on past experience, I have an alternate proposal that I would like you to consider that could shorten the timeline.

Some of our contractors already have NRC licenses that allow them to do decommissioning. NRC regulations allow a licensee to transfer licensed radioactive material to another licensee authorized to receive it. Rather than amending our license, which could take a long time, could we transfer the DU to the contractor's license at which time the contractor would proceed with decommissioning of that RCA under the contractor's license, meeting all NRC conditions and regulations under that license? (The Army would not physically move the DU. We would only be transferring licensing responsibility for it to the contractor's license.) Then when the contractor completes work and the NRC agrees decommissioning meets all NRC requirements, the situation comes back to the Army license and we then ask the NRC to remove that RCA from our license.


The contractor has already agreed to accept license responsibility for our DU and proceed accordingly as describe above if and when funding becomes available.


Would the NRC agree to such a scenario?

Thanks.

Bob

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