

07000263

VOID SHEET

TO: License Fee Management Branch

FROM: RI

SUBJECT: VOIDED APPLICATION

Control Number: 123366

Applicant: Department of the Army

Date Voided: 01-21-97

Reason for Void: Exemption requested by
licensee is not required. After
review. SNM-244 070-00263

Rebecca J. Brown 01/27/97
Signature Date

Attachment:
Official Record Copy of
Voided Action

FOR LFMB USE ONLY

Final Review of VOID Completed:

Refund Authorized and processed

No Refund Due

☒ Fee Exempt or Fee Not Required

Comments: _____

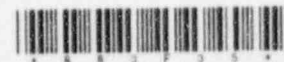
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JAN 21 1997

License Nos. 20-01010-04
SUB-00238
SNM-00244
Docket Nos. 030-04593
040-02253
070-00263
Control Nos. 123364
123365
123366

Kenneth F. Worth
Site Operations Director
Department of the Army
U.S. Army Research Laboratory
ATTN: AMSRL-OP-WT
Caretaker Force
395 Arsenal Street
Watertown, Massachusetts 02172-2700

Dear Mr. Worth:

This refers to your request, in letter dated June 24, 1996, for an exemption to 10 CFR 30.51, 10 CFR 40.61, and 10 CFR 70.51, as amended in the Federal Register (61FR24669-75). Your request is based on the burden associated with compiling the records for shipment to the NRC, a proposal to store all of the facilities' decommissioning and operational records for a period of 75 years in a local federal repository, and the submittal of your Final Survey Report as adequate documentation to resolve any future radiological concerns associated with the facility. We understand from telephone conversations between Mark R. Bouwens of my staff and Robert Chase of ARL that the facilities' decommissioning and operational records are currently in storage at the federal repository.

In regard to your request, we have determined that the intent and purpose of the regulations in question have been met by 1) your submission of your Radiological Field Survey Report (Volumes 1-3) and Final Survey Report (Volumes 1-8), 2) the Army Corps of Engineers, New England Division's submission of their Radiological Characterization and Final Survey Report for the GSA Property-Watertown, and 3) your archival of the operational and decommissioning records in the federal repository in Waltham, MA. In addition, since you have archived the relevant records in the federal repository, we have determined that an exemption is not necessary in this case.

If you have any questions regarding this matter, please contact Mark R. Bouwens of my staff at (610) 337-6910.

Thank you for your cooperation.

Sincerely,

Marie Miller

for

Ronald R. Bellamy, Chief
Decommissioning and Laboratory Branch
Division of Nuclear Materials Safety

License Nos.	20-01010-04
	SUB-00238
	SNM-00244
Docket Nos.	030-04593
	040-02253
	070-00263
Control Nos.	123364
	123365
	123366

cc w/ enclosure:
Robert Chase, ARL

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Reference Department
Watertown Main Library
123 Main Street
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Region I Docket Room (w/concurrences)

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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	MBouwens		RBellamy				
DATE	01/16/97		01/16/97		01/ /97		01/ /97

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 18, 1996

MS2
J-8

MEMORANDUM TO: Ronald R. Bellamy, Chief
Decommissioning and Laboratory Branch, Region I

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

SUBJECT: TECHNICAL ASSISTANCE REQUEST: U.S. ARMY RESEARCH
LABORATORY (ARL) REQUEST FOR EXEMPTION OF 10 CFR
30.15, 10 CFR 40.61, AND 10 CFR 70.51

I am responding to your Technical Assistance Request (TAR) dated July 30, 1996 (Attachment 1) containing a request from the U.S. Army Research Laboratory (ARL) for exemption from the requirements concerning the disposition of certain records when a licensee terminates licensed activities, specifically, 10 CFR 30.51, 10 CFR 40.61, and 10 CFR 70.51.

ARL is proposing to store all of the facilities' decommissioning and operational records pertinent to providing historical information about previous releases to the environment for a period of 75 years in a local federal repository, in lieu of submitting the required records to the NRC, and to submit a Final Survey Report to resolve any future radiological concerns associated with the facility. ARL's request for exemption is based on the burden associated with compiling the records for shipment to the NRC.

The Office of the General Counsel (OGC) has reviewed the TAR to determine if the purpose of regulations are satisfied by archiving these records and is it acceptable to use ARL's Characterization Survey Report as adequate documentation concerning any future radiological concerns associated with previous off-site releases by the facility. In a memorandum dated November 21, 1996, (Attachment 2), OGC determined that the intent and purpose of the regulations in question will be met by the licensee's proposed actions to archive the decommissioning and operational records and to submit a Final Survey Report. Since the licensee intends to archive the pertinent records in a local federal repository, it is agreed that an exemption from the requirements of 10 CFR 30.51, 10 CFR 40.61 and 10 CFR 70.51 is not necessary in this case.

Contact: Susan L. Greene
(301) 415-7843

Attachments: 1. Memo dtd 07/30/96
2. Memo dtd 11/21/96

123364/123365/123366

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JUL 30 1996

License Nos. 20-01010-04
SUB-238
SNM-244

Docket Nos. 030-04593
040-02253
070-00263

Control Nos. 123364
123365
123366

MEMORANDUM TO: Donald A. Cool, Director
Division of Industrial and Medical
Nuclear Safety, NMSS

Original Signed By:

FROM: Ronald R. Bellamy, Chief
Decommissioning and Laboratory
Branch, Region I

Ronald R. Bellamy

SUBJECT: TECHNICAL ASSISTANCE REQUEST: U.S. ARMY RESEARCH
LABORATORY (WATERTOWN ARSENAL) REQUEST FOR EXEMPTION OF
10CFR30.51, 10CFR40.61, and 10CFR70.51.

INTRODUCTION

The U.S. Army Research Laboratory (ARL) site consists of approximately 30 buildings and structures on 36.5 acres located along the north branch of the Charles River seven miles west of Boston, Massachusetts. Testing, and research and development activities were conducted at ARL with a variety of radioactive materials beginning in the 1940's. Although depleted uranium (DU) was the principal radioactive material used, the facility possesses byproduct material and special nuclear material licenses in addition to its source material license. As a result of the enactment of the Base Closure and Realignment Act (BRAC) [Public Law 100-526], the ARL facility closed in September 1995. A caretaker group of approximately 24 personnel currently occupies the site.

In the summer of 1992, ARL began remediating the facility to reduce residual radioactive contamination to levels that meet current NRC guidelines for release of facilities and equipment for unrestricted use. Remediation and termination survey activities were completed in the summer of 1995. ARL submitted the last volume of an eight-volume Final Survey Report in April 1996. This eight-volume report includes a description of the remediation that was conducted on sanitary sewers and outdoor areas, as well as final radiological survey data for these areas. Region I staff is currently reviewing the Final Survey Report.

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In a letter dated June 24, 1996 (copy enclosed), ARL requests an exemption to 10CFR30.51, 10CFR40.61, and 10CFR70.51, as amended in the Federal Register (61FR24669-75). ARL's request is based on the burden associated with compiling the records for shipment to the NRC, a proposal to store all of the facilities' decommissioning and operational records for a period of 75 years in a local federal repository, and the submittal of ARL's Final Survey Report as adequate documentation to resolve any future radiological concerns associated with the facility. Each of these issues are discussed in the following section.

DISCUSSION

I. Burden of Compiling Records

As discussed in the Supplementary Information in the Federal Register the public reporting burden for this collection of information is estimated to average five hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Supplementary Information in the Federal Register also states that for most licensees the overall number of records that would be required to be transferred to the new licensee (or appropriate NRC Regional Office) should not exceed the capacity of several file drawers, even for a license that has been in effect for some time, and therefore, the overall burden associated with the transfer should be small.

ARL operated as a licensee of the AEC and NRC for over 35 years. The operational records for the facility were filed by various filing methods during the period of operation. The resultant records are stored in seven file cabinets. The recent decommissioning activities at ARL required significant sampling of water discharge and daily monitoring of air exhaust systems. These records are commingled with other facility decommissioning records in eleven file cabinets. In order to extract the required information, the majority of the records would have to be searched, page-by-page, to identify those that are required to be submitted to the NRC at license termination. The estimated time to conduct the record search would be significantly greater than the average of five hours calculated for the total public reporting burden described in the Federal Register.

As an alternative to conducting the page-by-page search to identify those records required to be submitted, ARL could, and possibly will, submit the entire 18 file cabinets to the NRC. In that case, the amount of space required for the NRC to store the records would be significantly larger than the several file drawer capacity that was assumed to be necessary as discussed in the Federal Register.

II. Archive Records

The Supplementary Information in the Federal Register states that the purpose of this rulemaking is to assure that adequate records are available to provide historical information on previous licensed operations in the event significant off-site contamination is detected after a licensee has ceased operation of their facility. To satisfy the purpose of the rulemaking, and in lieu of submitting the required records to the NRC, ARL proposes to store all decommissioning and operational records, pertinent to providing historical information about previous releases to the environment, at the Federal Records Center (FRC), Waltham, Massachusetts, for a period of 75 years. ARL will store all 18 file cabinets at the FRC.

III. Survey Records

As part of their Radiological Field Survey (Characterization Survey) and Final Survey, ARL conducted extensive on-site and off-site surveys and submitted the results to the NRC. For the ARL site, our review has shown that these survey records provide a more thorough evaluation of the releases from the site than the available effluent records. Also, the Supplementary Information in the Federal Register indicates that an Agreement State has the ability to resolve potential future safety concerns by conducting surveys, at a site, which would substitute for the lack of effluent release records. Therefore, the submission, to the NRC, of adequate survey records, could be interpreted as satisfying the intent of the amended record-keeping requirements and eliminating the need to submit all effluent records to the NRC. Note, however, that the effluent records will be available in the FRC for the next 75 years. A summary of ARL's survey data and its applicability to effluent (airborne and sewer) releases follows.

Airborne releases of radioactive material at ARL primarily consisted of filtered releases during remediation activities and stack releases of DU from the incinerator in Building 43. There is also a possibility that there were airborne releases from laboratories at the ARL facility. The extensive outdoor on-site Characterization Survey and Final Survey indicate that airborne releases, that may have occurred from laboratories on the facility, did not result in on-site contamination. In addition, the size of the ARL facility and the central location of the laboratories on the facility make it unlikely that any releases, that may have occurred from laboratories on-site, would have resulted in off-site releases.

During remediation activities, ARL used HEPA filtration systems with Continuous Air Monitors for reducing and monitoring airborne releases. The operation, calibration, and results of the air monitoring systems were inspected by Region I staff. No violations were identified. In addition, the outdoor Final Survey was conducted after the remediation of indoor building areas were completed, and air monitoring was no longer

necessary. The outdoor surveys identified a few small areas of soil contamination that were primarily associated with radioactive material storage areas. There is no evidence that contamination found on-site in outdoor areas was associated with airborne releases from remediation activities at the facility.

Because stack releases from the incinerator in Building 43 at ARL could have potentially resulted in off-site releases, ARL submitted stack release records for the incinerator to Region I for review as part of the termination survey. The records are being reviewed for the possibility of potential off-site contamination. This submission satisfies the regulation for the incinerator air effluent.

Sanitary sewer discharges were limited primarily to discharges of insoluble DU. ARL conducted extensive surveys and remediation of on-site and off-site portions of the sanitary sewer system serving the ARL facility. The surveys demonstrate that, because the DU was insoluble, the majority of the discharged DU was deposited in first or second catch basins of the sanitary sewer system. Region I is reviewing the termination survey data and remediation records to determine their adequacy as a basis for releasing the site for unrestricted use. Region I believes that once the termination survey data and remediation records are determined to be acceptable, they will be sufficient to demonstrate that off-site releases due to sanitary sewer discharges did not result in off-site contamination that was not already remediated during the recent decommissioning effort.

IV. GSA Property

Region I and ARL conducted extensive document searches of historical records. These searches did not identify any records indicating that ARL conducted on-site or off-site radioactive waste disposals other than those conducted at licensed disposal facilities. Records do indicate that ARL burned DU in the "burn pit" at the GSA Property-Watertown, an SDMP Site that is being remediated by the Army Corps of Engineers, New England Division (NED), under the FUSRAP Program. As part of NED's decommissioning activities, NED conducted extensive remediation and surveys of the site, which included a survey for possible off-site contamination in the predominant downwind direction of the "burn pit". NED submitted a comprehensive Radiological Characterization and Final Survey Report (Report) for the GSA Property, which is a compilation of all remediation and survey activities conducted at the site. Region I believes that the historical records already on file and the Report provide an adequate evaluation of the historical operational activities conducted by ARL at the GSA Property and that any additional records, including those specifically associated with the DU burnings, would be superfluous.

SUMMARY

In their June 24, 1996 letter, ARL requests an exemption to the amended record submission requirements of 10CFR30.51, 10CFR40.61, and 10CFR70.51. We are requesting assistance with the following issues relating to ARL's request.

1. Is it acceptable for ARL to satisfy the purpose of 10CFR30.51, 10CFR40.61, and 10CFR70.51 by archiving all decommissioning and operational records pertinent to providing historical information about previous releases to the environment?

and,

2. In lieu of the submission of the records required by 10CFR30.51, 10CFR40.61, and 10CFR70.51, is it acceptable to use ARL's Characterization Survey Report and Final Survey Report, and NED's Report as adequate documentation to resolve any future radiological concerns associated with previous off-site releases by the facility?

Based on our review of the high quality of survey data already submitted and the licensee's evaluation of this data, Region I staff believes that the intent and purpose of the amended regulations in 10CFR30.51, 10CFR40.61, and 10CFR70.51 have been met by 1) the licensee's submission of their Characterization Survey Report and Final Survey Report, 2) NED's submission of their Report, and 3) the licensee's intent to archive relevant records in a local federal repository, and that an exemption is not necessary. Alternatively, Region I would support issuance of the exemption, based on the licensee submittal.

If you have any questions concerning this Technical Assistance Request, please contact Mark R. Bouwens at (610)337-6910. Thank you for your assistance.

Attachment:

Letter dated June 24, 1996

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OFFICE	DNMS/RI	E	DNMS/RI	Per	N					
NAME	MBouwens	M	RBellamy							
DATE	07/30/96		07/20/96			07/ /96		07/ /96		07/ /96

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OFFICE OF THE
GENERAL COUNSEL

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

November 21, 1996

MEMORANDUM TO: Donald A. Cool, Director
Division of Industrial and Medical
Nuclear Safety, NMSS

FROM: Stuart A. Treby
Assistant General Counsel for *W. Cameron*
Rulemaking and Fuel Cycle *for*

SUBJECT: OGC RESPONSE TO TECHNICAL ASSISTANCE
REQUEST REGARDING U.S. ARMY RESEARCH
LABORATORY (WATERTOWN ARSENAL) REQUEST FOR
EXEMPTION FROM 10 CFR 30.51, 10 CFR 40.61,
and 10 CFR 70.51

You have requested the Office of the General Counsel's (OGC) advice regarding a technical assistance request (TAR) from Region I concerning the U.S. Army Research Laboratory's (ARL) exemption request from 10 CFR 30.51, 10 CFR 40.61 and 10 CFR 70.51. ARL is proposing to store all decommissioning and operational records pertinent to providing historical information about previous releases to the environment, at the Federal Records Center (FRC), Waltham, Massachusetts, for a period of 75 years, in lieu of submitting the required records to the NRC. ARL's exemption request is based on the burden associated with compiling the records for shipment to the NRC.

Specifically, you have asked OGC if 1) it is acceptable for ARL to satisfy the purpose of 10 CFR 30.51, 10 CFR 40.61, and 10 CFR 70.51 by archiving all decommissioning and operational records pertinent to providing historical information about previous releases to the environment; and, 2) in lieu of the submission of the records required by 10 CFR 30.51, 10 CFR 40.61 and 10 CFR 70.51, it is acceptable to use ARL's Characterization Survey Report as adequate documentation to resolve any future radiological concerns associated with previous off-site releases by the facility.

Background

The U.S. Army Research Laboratory (ARL) site is located outside of Boston, Massachusetts, and operated as an NRC licensee of the AEC and NRC for over 35 years. The operational records for the facility were filed by various filing methods during the period of operation. The resultant records are stored in seven file cabinets. As a result of the enactment of the Base Closure and Realignment Act, the ARL facility closed in September 1995. In anticipation of the closure, ARL began remediating the facility to reduce the residual

CONTACT: Maria E. Schwartz, OGC
415-1888

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ATTACHMENT 2

radioactive contamination to levels that meet current NRC guidelines for release of facility and equipment for unrestricted use. The decommissioning activities at ARL required significant sampling of water discharge and daily monitoring of air exhaust systems. These records are commingled with other facility decommissioning records in eleven file cabinets.

Discussion

10 CFR 30.51, 10 CFR 40.61, and 10 CFR 70.51 pertain to the disposition of certain records when a licensee transfers licensed activities or terminates those activities. When a licensee is terminating licensed activities these regulations require the licensee to transfer records pertaining to decommissioning, and certain records pertaining to offsite releases and waste disposal to the NRC before the license is terminated. In describing the need for this requirement, staff pointed out that the intent of the rule is to ensure that records pertaining to decommissioning and offsite releases are available after a license is terminated since retention of these records could aid in the resolution of potential safety concerns that might be identified in the future.

According to the TAR, ARL submitted an eight volume Final Survey Report in April 1996 which the staff is currently reviewing. The report includes a description of the remediation that was conducted on sanitary sewers and outdoor areas, as well as final radiological survey data for these areas.

In addition, as part of their Characterization and Final Survey, ARL conducted extensive on-site and off-site surveys which, in the staff's opinion, have provided a more thorough evaluation of the releases from the site than the available effluent records. Staff believes that these submissions could be interpreted to satisfy the intent of the amended record-keeping requirements, thus eliminating ARL's requirement to submit all effluent records to the NRC. It should also be noted that the actual effluent records would, according to ARL's proposal, be available in the FRC for the next 75 years.

During remediation efforts, ARL has also compiled survey data pertaining to airborne releases of radioactive material related to onsite and offsite releases as well as sewer discharges of insoluble DU. ARL conducted extensive surveys and remediation of onsite and offsite portions of the sanitary sewer system serving the ARL facility. In addition, Region I and ARL conducted extensive document searches of historical records related to releases. These searches did not identify any records indicating that ARL conducted onsite or offsite radioactive waste disposal other than those conducted at licensed disposal facilities. Records indicate that ARL burned DU in the "burn pit" at the GSA Property-Watertown, an SDMP site that is being remediated by the Army Corps of Engineers, New England Division (NED) under the FUSRAP Program; however, NED conducted extensive remediation and surveys of the site which included a survey for possible offsite contamination in the predominant downwind direction of the "burn pit." NED submitted a comprehensive Radiological Characterization and Final Survey Report for the GSA Property, which is a compilation of all remediation and survey activities conducted at the time.

Conclusion

Based on a review of the information provided to OGC, we agree with staff's conclusion that the intent and purpose of the regulations in question have been met by 1) the licensee's submission of their Characterization Survey Report and Final Survey Report, 2) NED's submission of their Report, and 3) the licensee's intent to archive relevant records in a local federal repository. In addition, since the licensee intends to archive relevant records in a local federal repository, OGC also agrees that an exemption is not necessary in this case.



DEPARTMENT OF THE ARMY
UNITED STATES ARMY RESEARCH LABORATORY
388 ARSENAL STREET
WATERTOWN, MASSACHUSETTS 02172-2700

REPLY TO
THE ATTENTION OF

AMSRL-OP-WT-RK

24 June 1996

License Numbers:	Docket Numbers:
20-01010-4	030-04593
SUB-238	040-02253
SNM-244	070-00263

Mr. Ronald R. Bellamy
Chief, Site Decommissioning Section
Division of Radiation Safety and Safeguards
U.S. Nuclear Regulatory Commission/Region I
475 Allendale Road
King of Prussia, PA 19406-1416

Dear Mr. Bellamy,

On Thursday, 16 May 1996 the Nuclear Regulatory Commission (NRC) amended its regulations(Federal Register Vol. 61, No. 96) pertaining to the disposition of certain records when a licensee terminates licensed activities. Request an exemption from this regulation in order to satisfy the purpose of this regulation by storing all decommissioning and operational records pertinent to providing historical information about previous releases to the environment (stack effluent and releases to the sanitary sewer) for a period of 75 years at the Federal Records Center in Waltham, Massachusetts.

Presently, this facility has on site eleven file cabinets (55 drawers) of decommissioning files and seven file cabinets (42 drawers) of operational license files. The burden associated with this ruling is significant, especially when the reality of the filing methods used is considered. Most individual samples analyzed are filed under a generic heading that requires a page by page scan to locate specific discharge data. The amount of cleanup required significant daily monitoring of air exhaust systems that were set up specifically for decontamination work. Water discharge records were also significant in volume. Thus the NRC would need what would amount to a very significant amount of space to store these records. Also during previous inspections the NRC has looked at this licensee's evaluation of previous operational releases to the environment and during recent termination survey verification visits has examined, reviewed and determined that the termination survey report is an accurate representation of the survey data in the files. The NRC has already indicated that they did not want us to submit the decommissioning files to them. Furthermore, a precedent was set when the reactor license termination files were sent to the Federal archives for storage in 1993.



ARL - A NATIONAL REINVENTION LABORATORY

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In that this laboratory is a Federal facility it has received more attention and has responded in a more open fashion to scrutiny which has produced a more stringent cleanup of the buildings and grounds. The purpose of this rule making is to assure that adequate records are available to provide historical information about previous operations. This need will be satisfied by having all the decommissioning records stored for 75 years in the Federal Archives. The operational records of releases can be stored with these decommissioning records, ensuring that all the records pertaining to this facility will be together and duplicate storage will be eliminated..

Remedial actions and termination surveys of sanitary sewer pipes as well as surveys of areas where contaminated pipes were removed have been documented in both the Termination Survey Report and the decommissioning files. Also soil samples from such areas have been submitted to the NRC. In fact the NRC and the State inspectors witnessed the removal of a contaminated sanitary sewer pipe that connected to the main sewer line on Arsenal Street as well as the survey of the main sewer line pipe with a specially designed probe. They also observed the interior of this pipe with a video camera. Because such thorough scrutiny took place, including both NRC and State oversight, the possibility of problems arising in the future are believed to be minimal.

Furthermore, because some drains were found to be contaminated, it is obvious the records of releasable discharges did not tell the whole story. The fact that these areas were surveyed, cleaned and resurveyed demonstrates that the actual survey data and its documentation and not the effluent discharge release records is what is of importance here. Also, pipes leading from processing areas were internally surveyed with the specially designed probe mentioned above. Contaminated pipes were removed and split soil samples have been provided to the NRC. Termination surveys have verified that no contamination from unsealed or sealed sources presently exists at this facility, thus supporting the contention of the lack of usefulness in submitting effluent discharge files to the NRC.

Your assistance with this request and timely response will be greatly appreciated.

Sincerely,



Kenneth F. Worth
Site Operations Director

LICENSE FEE MANAGEMENT BRANCH, ARM
AND
REGIONAL LICENSING SECTIONS

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A. REGION

APPLICANT/LICENSES: ARMY, DEPARTMENT OF THE
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CONTROL NO.: 123366
LICENSE NO.: SNM-244
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AMOUNT: _____
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Reference 123364, 123365

Rebecca J. Brown
7/5/96

1. FEE CATEGORY AND AMOUNT:

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3. OTHER _____

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