

From: "Johns, George" <GJOHNS@health.state.ia.us>
To: "lab@nrc.gov" <lab@nrc.gov>
Date: Wed, Jan 19, 2000 9:27 AM
Subject: Iowa Army Ammunition Plant - Des Moines County

Mr. Bolling:

Donald A. Flater requested that I transmit the following:

The Iowa Department of Public Health (IDPH) requests assistance in determining the impact of Executive Order Number Thirteen signed by the Governor of Iowa on December 9, 1999. That Order accepts the offer from the U.S. Department of the Army to retrocede exclusive legislative jurisdiction over the Army Ammunition Plant, located in Des Moines County, Iowa.

Specifically, the IDPH asks if that Order removes the U.S. Nuclear Regulatory Commission's authority at that location and gives the IDPH regulatory jurisdiction. If so, what steps must be taken to transfer the jurisdiction and what timeframe would be legally appropriate.

It is our understanding that there are currently two NRC licensees at that location. The IDPH requests information concerning the impact of licensing those operations.

Your assistance in this matter is appreciated.

Sincerely,

Donald A. Flater, Chief
Bureau of Radiological Health
Iowa Department of Public Health

IAB 1/12/00

EXECUTIVE DEPARTMENT

1089



State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

***EXECUTIVE ORDER NUMBER THIRTEEN**

- WHEREAS, Iowa Code section 1.17 empowers the governor, by appropriate executive order, to accept on behalf of the state full or partial cession or retrocession of federal jurisdiction over lands offered by appropriate federal authority; and
- WHEREAS, 10 U.S.C. section 2683 authorizes the U.S. Department of the Army to offer to relinquish or retrocede its exclusive legislative jurisdiction over the Iowa Army Ammunition Plant located in Des Moines County, Iowa, as necessary to permit the State of Iowa to exercise concurrent jurisdiction over the subject federal enclave; and
- WHEREAS, by letter from Deputy Assistant Secretary of the Army Paul W. Johnson to Governor Terry E. Branstad, dated July 28, 1997, the U.S. Department of the Army offered to retrocede federal legislative jurisdiction over the Iowa Army Ammunition Plant in Des Moines County, Iowa; and
- WHEREAS, the Department of the Army's revised legal description and map of the subject real estate, attached and marked respectively as Exhibits "A" and "B," indicates that the subject real estate consists of 18,970.06 acres of land; and
- WHEREAS, the acceptance of the offer of retrocession will enable the State of Iowa and its political subdivisions to enforce state laws that regulate activities, which occur on the subject federal enclave; and
- WHEREAS, acceptance of the offer of retrocession would be consistent with the state's interest in ensuring the uniform enforcement of state laws as provided in Iowa Code section 1.17.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages **2**

To <i>P. Lohaus/S. Droggins</i>	From <i>ROLAND LICKUS</i>
Dept./Agency <i>OSP</i>	Phone # <i>630/829-9661</i>
Fax # <i>301/415-3507</i>	Fax # <i>630/515-1096</i>

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION

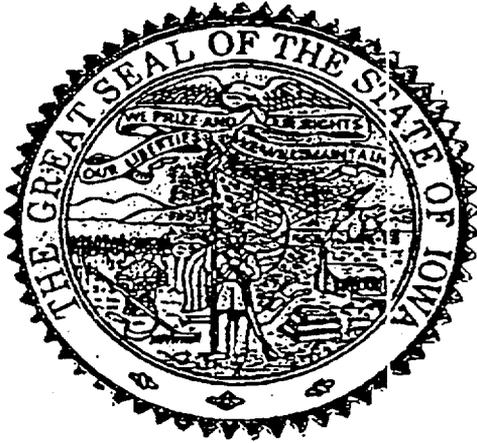
*Reproduced as submitted.

1090

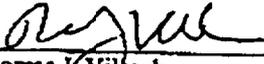
EXECUTIVE DEPARTMENT

IAB 1/12/00

NOW, THEREFORE, I, Thomas J. Vilsack, Governor of the State of Iowa by the power vested in me by the laws and constitution of the State of Iowa, hereby accept the offer from the U.S. Department of the Army to retrocede exclusive legislative jurisdiction over the Iowa Army Ammunition Plant, located in Des Moines County, Iowa and legally described as shown on attached Exhibits "A" and "B," as necessary to permit the State of Iowa to exercise concurrent legislative jurisdiction over the subject federal enclave.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done in Des Moines, Iowa on this the four day of December in the year of our Lord one thousand nine hundred and ninety-nine.



Thomas J. Vilsack
Governor

ATTEST:


Chester J. Culver
Secretary of State

Licwater

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. American Ordnance LLC</p> <p>2. 17575 State Highway 79 Middletown, IA 52638-9701</p>	<p>In accordance with application dated August 27, 1998,</p> <p>3. License number 14-20498-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date April 30, 2004</p> <hr/> <p>5. Docket No. 030-18448 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium-137</p> <p>B. Cesium-137</p> <p>C. Cesium-137</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources (Texas Nuclear Model 696894)</p> <p>B. Sealed sources (Texas Nuclear Model 57157C)</p> <p>C. Sealed sources (Technical Operations Model 77302)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. No single source to exceed 20 millicuries</p> <p>B. No single source to exceed 500 millicuries</p> <p>C. One source not to exceed 150 millicuries</p>
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9. Authorized Use:

- A. To be used in Texas Model 5200 source holder for level measurement.
- B. To be used in Texas Model 5202 source holder for level measurement.
- C. For use in Technical Operations Model 773 Calibrator for calibration of the licensee's survey instruments.

CONDITIONS

- 10. Licensed material shall be used only at the licensee's facilities located at **17575 State Highway 79, Middletown, Iowa.**
- 11. A. Licensed material shall be used by, or under the supervision of, Delmar G. Huffman, Harry W. Tate, Joe E. Shannan, Carl W. Beard, Jr., Nicholas M. Kieler, or Milton G. Hicks.
- B. The Radiation Safety Officer for this license is Nicholas M. Kieler.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

14-20498-01

Docket or Reference Number

030-18448

Amendment No. 05

12. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak tested if they are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region III, ATTN: Chief, Nuclear Materials Safety Branch, 801 Warrenville Road, Lisle, Illinois 60532-4351. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to Perform such services.
13. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee.
14. Installation, initial radiation survey, relocation, or removal from service of devices containing sealed sources shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services. Maintenance and repair of devices and installation, replacement, and disposal of sealed sources shall be performed only by persons specifically licensed by the Commission or an Agreement State to perform such services.
15. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
16. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the Commission or an Agreement State.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

14-20498-01

Docket or Reference Number

030-18448

Amendment No. 05

17. The licensee shall operate each gauge within the manufacturer's specified temperature and/or environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
18. The licensee shall assure that the shutter mechanism is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify as appropriate its "lock-out" procedures whenever a new gauge is obtained to incorporate the device manufacturer's recommendations.
19. Each gauge shall be tested for the proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such longer intervals as specified by the manufacturer and approved by NRC.
20. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
21. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Applications dated February 21, 1994, and August 28, 1998.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date _____

By _____

James R. Mullauer, M.H.S.
Materials Licensing Branch

Licwater

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. American Ordnance, LLC</p> <p>2. 17575 State Highway 79 Middletown, IA 52638</p>	<p>In accordance with letter dated October 29, 1998</p> <p>3. License number SUC-1381 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date October 31, 2004</p> <hr/> <p>5. Docket No. 040-08772 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Depleted uranium</p> <p>B. Depleted uranium</p> <p>C. Depleted uranium</p> <p>D. Depleted uranium</p>	<p>7. Chemical and/or physical form</p> <p>A. Metal alloy penetrators</p> <p>B. Metal alloy and/or Cadmium plated shielding</p> <p>C. Metal alloy liners</p> <p>D. Solid waste</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 3,000,000 kilograms</p> <p>B. 1000 kilograms</p> <p>C. 1000 kilograms</p> <p>D. See Item 9.D below</p>
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9. Authorized Users:

- A. through C. To be used for the assembly and demilitarization of staballoy penetrators in munitions assemblies and for research and development as described in application dated October 6, 1993.
- D. Possession incident to disposal of waste in accordance with statements, representations and procedures contained in letters dated June 9, 1994, March 31, 1998 and July 7, 1998 and August 27, 1998.

CONDITIONS

- 10. Licensed material shall be used only at the licensee's facilities located at the 17575 State Highway 79, Middletown, Iowa.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

SUC-1381

Docket or Reference Number

040-08772

Amendment No. 11

11. A. Licensed material shall be used by, or under the supervision of, Joe E. Shannan, Carl W. Beard, Nicholas M. Kieler, or Milton G. Hicks.
- B. Radiation Safety Officer: Nicholas M. Kieler
12. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated October 6, 1993; and
- B. Letters dated June 9, 1994, June 16, 1994, October 4, 1994, March 27, 1996, May 23, 1996, June 4, 1996 (with enclosure), March 31, 1998, and July 7, 1998 August 27, 1998, and October 29, 1998 (with attachments).

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date _____

By _____

Loren J. Hueter
Materials Licensing Branch
Region III