

May 26, 2005

MEMORANDUM TO: Michael T. Lesar, Acting Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Patricia Holahan, Acting Director/RA/
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REQUEST TO PUBLISH A NOTICE IN THE FEDERAL REGISTER

Attached is a *Federal Register* Notice announcing the receipt of request for action under 10 CFR 2.206, and a diskette containing the electronic version of the notice. We request that you publish this notice in the Federal Register.

Attachments:

1. *Federal Register* Notice
2. Diskette

CONTACT: Joe DeCicco, NMSS/IMNS
(301) 415-7833

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(301) 415-7833

ML051370457

*See previous concurrence

| OFC | MSIB | MSIB | MSIB | IMNS |
|------|-----------|----------|----------|----------|
| NAME | JDeCicco* | THarris* | TEssig | PHolahan |
| DATE | 05/17/05 | 05/19/05 | 05/26/05 | 05/26/05 |

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U. S. NUCLEAR REGULATORY COMMISSION

Docket No. 040-08850
License No. SUB-1440
ATK Tactical Systems Company, LLC

Docket No. 030-28641
License No. 42-23539-01AF
Department of the Air Force

Docket No. 040-06394
License No. SMB-141
Department of the Army

Docket No. 040-07086
License No. SUB-734
Department of the Army

Docket No. 040-08814
License No. SMB-1411
Department of the Army

Docket No. 040-08838
License No. SUB-1435
Department of the Army

Docket No. 040-07354
License No. SUB-834
Department of the Army

Docket No. 040-08779
License No. SUC-1391
Department of the Army

Docket No. 040-08767
License No. SUC-1380
Department of the Army

Docket No. 030-29462
License No. 45-23645-01NA
Department of the Navy

RECEIPT OF REQUEST FOR ACTION UNDER 10 CFR 2.206

Notice is hereby given that by petition dated April 3, 2005, James Salsman has requested that the U. S. Nuclear Regulatory Commission take action with regard to licensees

holding a depleted uranium munitions license. The petitioner requests that "...all licenses allowing the possession, transport, storage, or use of pyrophoric uranium munitions be modified to impose enforceable conditions on all such licensees in order to rectify their misconduct...."

The petitioner states "The basis for this request is the gross negligence on the part of the licensees,...."

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards (NMSS). As provided by 10 CFR 2.206, appropriate action will be taken on this petition within 120 days. The petitioner discussed the petition with the NMSS Petition Review Board on May 4, 2005. The results of that discussion were considered in the Board's determination regarding the petitioner's request for immediate action and in establishing the schedule for the review of the petition. By letter dated May 26, 2005, the Director denied the petitioner's request for immediate action regarding depleted uranium munitions licenses. A copy of the petition (Accession Number ML051240497) is available in the Agencywide Documents and Management System (ADAMS) for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on NRC's Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 26th day of May, 2005.

For the Nuclear Regulatory Commission

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

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Dated at Rockville, Maryland, 26th this May day of May, 2005.

For the Nuclear Regulatory Commission

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

ML051370457

*See previous concurrence

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| OFC | MSIB | Editor | MSIB | MSIB | IMNS | NMSS |
| NAME | JDeCicco* | EKraus ^{fax} * | THarris* | TEssig | PHolahan | JStrosnider |
| DATE | 05/17/05 | 5/18/05 | 05/19/05 | 05/26/05 | 05/26/05 | 05/26/05 |

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