



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

October 25, 2005

Lt. Col. Mark Wrobel  
Department of the Air Force  
USAF Radioisotope Committee  
HQ AFMOA/SGZR  
110 Luke Ave., Suite 405  
Bolling AFB, DC 20322-7050

SUBJECT: LICENSE AMENDMENT NO. 18

Please find enclosed Amendment No. 18 to Master Materials License 42-23539-01AF. **This amendment authorizes for disposal four M-47 tanks from Nellis Air Force Base Nevada to US Ecology Idaho, in accordance with 10 CFR 20.2002 alternate disposal procedure which is not otherwise authorized in the regulations of this chapter. Additionally this license amendment exempts the low-contaminated material authorized for burial from further Atomic Energy Act (AEA) and NRC licensing requirements.** You should review this license carefully and be sure that you understand all conditions. If you have any questions, please contact me at (817) 276-6552.

By letter dated June 23, 2004, you requested that the NRC approve the burial of four M-47 tanks from the 98<sup>th</sup> Range Wing at Nellis Air Force Base Nevada to US Ecology Idaho which is a Subtitle C RCRA hazardous waste disposal facility in accordance with the provisions of 10 CFR 20.2002, alternate disposal procedures. We have completed our review of your request and enclose our safety evaluation report and environmental assessment. We determined that your proposed disposal of four M-47 tanks in a Subtitle C RCRA hazardous waste disposal facility located at US Ecology Idaho is acceptable.

In accordance with the provisions of 10 CFR 40.14, "the Commission may, upon application by an interested person or upon its own initiative, grant such exemptions from the requirements of the regulations . . . as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest." To the extent that the material authorized for disposal in this 20.2002 authorization is otherwise licensable, the staff concludes that the material is exempt from further AEA and NRC licensing requirements. The enclosed safety evaluation report concludes that the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The staff also evaluated the environmental impacts of the exemptions and determined that granting this exemption would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact were prepared and published in the **Federal Register 70 FR 61649**.

Accordingly, pursuant to 10 CFR 40.14, the exemption is granted and effective immediately.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

*/RA/*

Rachel S. Browder, Health Physicist  
Nuclear Materials Licensing Branch

Docket No.: 030-28641  
License No.: 42-23539-01AF  
Control No.: 470062

Enclosure: As stated

### 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. Department of the Air Force USAF Radioisotope Committee</p> <p>2. HQ AFMOA/SGPR 8901 18th Street Brooks AFB, Texas 78235-5217</p>	<p>In accordance with letter dated June 23, 2004</p> <p>3. License number 42-23539-01AF is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date Indefinite</p> <hr/> <p>5. Docket No. 030-28641 Reference No.</p>
---	--

<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Byproduct material</p> <p>B. Source material</p> <p>C. Special nuclear material</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> <p>C. Any</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. As needed</p> <p>B. As needed</p> <p>C. As needed: however, quantities for any site or permit authorized by the USAF Radioisotope Committee shall not exceed the critical mass quantities as determined by the procedures specified in 10 CFR 150.11(a)</p>
--	---	---

9. Authorized use:

A., B., and C. For uses authorized by the USAF Radioisotope Committee.

#### CONDITIONS

- 10. Licensed material may be used under United States Air Force control at locations where the Nuclear Regulatory Commission has regulatory jurisdiction consistent with the representations made in the application and conditions of this license.
- 11. Licensed material may only be used by, or under the supervision of, individuals designated by the United States Air Force Radioisotope Committee.
- 12. United States Air Force regulations, policies, and directives governing the use of licensed material must be consistent with the Nuclear Regulatory Commission's regulations.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
42-23539-01AFDocket or Reference Number  
030-28641

Amendment No. 18

13. The United States Air Force Radioisotope Committee shall assure that all installation, repair, maintenance or removal of irradiators and teletherapy equipment involving the removal of shielding or access to radioactive material will be performed by persons specifically authorized to perform these activities by the Nuclear Regulatory Commission or by an Agreement State.
14. The United States Air Force Radioisotope Committee shall assure that all human research uses of licensed materials will be approved by a Food and Drug Administration approved Radioactive Drug Research Committee.
15. The United States Air Force Radioisotope Committee shall submit requests for approval to the Nuclear Regulatory Commission for exemptions from the Commission's regulations.
16. The United States Air Force Radioisotope Committee may grant, for good cause on a case-by-case basis, an exemption to 10 CFR 35.655 authorizing an Air Force permittee to delay by not more than 6 months the required 5-year inspection and servicing of a teletherapy unit.
17. The United States Air Force Radioisotope Committee is exempted from the NRC notification requirements of 10 CFR 35.14. Air Force permittees are not exempted from these notification requirements in regard to the United States Air Force Radioisotope Committee.
18. A. Notwithstanding the requirements contained in 10 CFR 20.1801, "Security of stored material," 10 CFR 20.1802, "Control of material not in storage", and 10 CFR 20.2201, "Reports of theft or loss of licensed material," the licensee is not required to secure or control approved chemical detection and monitoring devices utilizing radioactive materials when the licensee stores or uses these devices during authorized military or national security exercises or maneuvers, as individual units, commands, or inter-commands, including allied foreign military elements, on U.S. Federal Government property that is permanently maintained and controlled by the U.S. Federal Government for training exercises or maneuvers; and the licensee is not required to report the loss of these devices when these devices are being stored or used under the terms of this exemption.
  - B. Additionally, under this exemption, the licensee shall continue to implement their established existing programs for tracking and controlling these devices, and shall keep records of losses and loss of control of devices which shall be available on site for NRC Inspectors.
  - C. This exemption does not apply to uses of the devices on temporary make-shift training sites; devices stored or used at other times or lost under other conditions; to theft of the devices; or to devices lost in the U.S. public domain.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
42-23539-01AFDocket or Reference Number  
030-28641

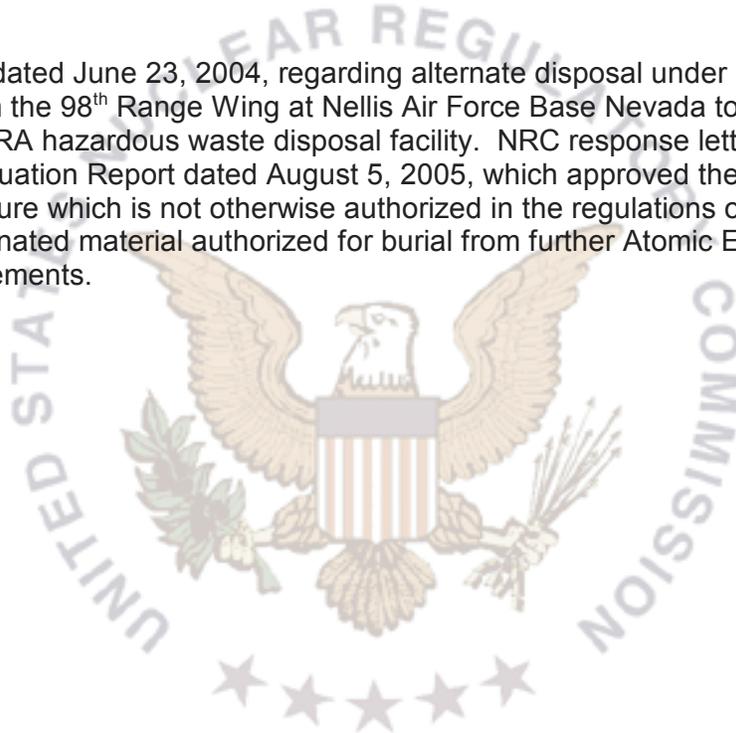
Amendment No. 18

19. The licensee shall adhere to statements and representations contained in the following:
- A. The application dated April 12, 1985.
  - B. The attached understandings 2 through 12 excluding paragraph 1 of understanding 4, dated July 1, 1987, between the United States Air Force and the Nuclear Regulatory Commission reached in the development and issuance of this license.
  - C. Licensee letter dated June 17, 1987, with five attachments, regarding event reporting to the NRC.
  - D. Licensee letters dated December 4, 1987, and July 22, 1987, regarding licensee distribution of NRC Bulletins and Information Notices to permittees.
  - E. Licensee letter dated January 26, 1988, regarding the release of copies of licensee Inspector General inspection reports to NRC. NRC response letter dated March 3, 1988.
  - F. Licensee letter dated February 3, 1988, regarding disposal of radioactive wastes at Texas municipal solid waste sites. The licensee must obtain approval from NRC and the Texas Bureau of Radiation Control before approving a permittee application for such alternate disposal.
  - G. Licensee letter dated February 10, 1989, regarding extension of leak test interval of sources used in radiothermoelectric generators in northern Alaska.
  - H. Licensee letters dated September 11, 1991, and September 23, 1991, regarding the transfer and exchange of calibration and reference sources between United States Air Force and individual contractors operating precision measurement and equipment laboratories (PMEL).
  - I. Licensee letter dated October 7, 1992, regarding realignments in inspection frequency of Air Force permittees to inspection priorities outlined in NRC Inspection Manual Chapter 2800.
  - J. Licensee letter dated February 15, 1990, regarding exemption from 10 CFR Part 71 requirements when using the Department of Transportation exemptions issued to the Department of Defense, for purposes of national security or national defense.
  - K. Licensee letter dated March 26, 1990, regarding leak testing exemption for carbon-14 reference light sources used in hermetically sealed Astroinertial Navigational (AIN) units installed on aircraft.
  - L. Licensee letter dated October 23, 1990, regarding alternate disposal for krypton-85 to unrestricted areas.
  - M. Licensee letter dated May 2, 1994, regarding disposal of wastes of isotopes with half-lives less than 120 days by decay-in-storage.
  - N. Licensee letter dated November 14, 1994, regarding realignments in the renewal frequency of Air Force permits to conform with NRC licensing policies.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
42-23539-01AFDocket or Reference Number  
030-28641

Amendment No. 18

- O. Licensee Decommissioning Plan, dated July 2000, and revised August 2002, with the final site-specific Derived Concentration Guideline Levels (DCGLs) dated October 2, 2002 for the Defense Nuclear Weapons School (DNWS) Radiation Training Sites at Kirtland AFB, regarding release for unrestricted use. The four training sites (TS5, TS6, TS7 and TS8) were identified for remediation under the USAF's Installation Restoration Program as Site OT-10. NRC response letter and Safety Evaluation Report dated January 6, 2002. Supplement to the OT-10 Decommissioning plan, dated April 03, 2003.
- P. Licensee letter dated June 23, 2004, regarding alternate disposal under 10 CFR 20.2002 for four M-47 tanks from the 98<sup>th</sup> Range Wing at Nellis Air Force Base Nevada to US Ecology Idaho, which is a Subtitle C RCRA hazardous waste disposal facility. NRC response letter dated October 25, 2005, and Safety Evaluation Report dated August 5, 2005, which approved the 10 CFR 20.2002 alternate disposal procedure which is not otherwise authorized in the regulations of this chapter and exempts the low-contaminated material authorized for burial from further Atomic Energy Act (AEA) and NRC licensing requirements.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: October 25, 2005

By: \_\_\_\_\_

Rachel S. Browder, Health Physicist  
Nuclear Materials Licensing Branch  
Region IV  
Arlington, Texas 76011