

February 15, 2006

MEMORANDUM TO: George Pangburn, Director
Division of Nuclear Materials Safety
Region I

FROM: Scott C. Flanders, Deputy Director **/RA/**
Environmental and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

SUBJECT: TECHNICAL REVIEW OF TITLE 10 OF THE CODE OF
FEDERAL REGULATIONS PART 20.2002 REQUEST BY
ABERDEEN TEST CENTER

On October 24, 2005, you requested that the Office of Nuclear Material Safety and Safeguards review the U.S. Department of Army's Aberdeen Test Center's September 13, 2005, Title 10, Code of Federal Regulations (10 CFR) Part 20.2002 request. My staff has reviewed the 10 CFR 20.2002 request and finds it acceptable.

Aberdeen Test Center requested a license approval to transfer and dispose of two M2A2 Bradley Fighting Vehicles at the US Ecology, Idaho, facility, a Subtitle C Resource Conservation and Recovery Act (RCRA) hazardous waste disposal facility. Based on the enclosed Safety Evaluation Report (Enclosure 1), the licensee has demonstrated, and the U.S. Nuclear Regulatory Commission (NRC) staff has confirmed, that the proposed 10 CFR 20.2002 disposal is expected to result in minimal risk to workers and the public. For the analysis, the licensee assumed that the remaining depleted Uranium (DU) in the tanks was concentrated in the worst possible configuration for the appropriate scenario. The licensee analyzed the dose to the transport driver, disposal facility worker, and long-term impacts to a residence. While the licensee did not analyze the groundwater impacts from the disposal, NRC staff reviewed previous analyses in support of NUREG-1640, which indicate that the groundwater pathway is not a controlling factor for DU. The licensee's scenarios relied upon conservative bounding analyses. Each of the scenarios evaluated resulted in dose estimates of less than 0.01 mSv (1 milirem) total dose. Therefore, the NRC staff recommends approval of this modification to the licensee's authority to dispose of waste in accordance with 10 CFR 20.2002.

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Further, 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." Based on the above analyses, this material authorized for disposal poses no danger to public health and safety, does not involve information or activities that could potentially impact the common defense and security of the United States, and it is in the public interest to dispose of wastes in a controlled environment, such as that provided by a Subtitle C RCRA hazardous waste disposal facility. Therefore, to the extent that this material authorized for disposal in this 20.2002 authorization is otherwise licensable, the staff concludes that the site authorized for disposal is exempt from further Atomic Energy Act and NRC licensing requirements. Region I is hereby given the authority to grant the exemption for this licensing action. Language to be used in the cover letter of the amendment, environmental assessment, and safety evaluation report are included as Enclosure 2.

Docket: 040-07354

Enclosures:

1. Safety Evaluation Report
2. Cover Letter

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