



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 16, 2006

Docket No. 03029288  
Control No. 138549

License No. 37-17860-02

David J. Allard, C.H.P.  
Director  
Bureau of Radiation Protection  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8469  
Harrisburg, PA 17105-8469

**SUBJECT: BUREAU OF RADIATION PROTECTION, APPLICATION FOR LICENSING ACTION, CONTROL NO. 138549**

Dear Mr. Allard:

This refers to your license amendment request. Enclosed with this letter is the amended license. Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An Environmental Assessment (EA) which resulted in a Finding of No Significant Impact (FONSI) was prepared for this action. The EA and the FONSI were published in the Federal Register on October 11, 2006 (71 FR 59839) and are accessible at the NRC Web site at <http://www.nrc.gov/reading-rm.html>.

Additionally, the NRC prepared a Safety Evaluation Report (SER) for this licensing action, and has determined that your planned decommissioning activities will be conducted safely and in accordance with NRC requirements. The SER is enclosed with this letter

In accordance with the provisions of 10 CFR 30.11, "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 facility receiving 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 these exemption(s) would not result in any significant impacts. As noted above, for this action, an EA and FONSI were prepared and published in the Federal Register.

Accordingly, pursuant to 10 CFR 30.11, the exemptions are granted and effective immediately.

D. Allard  
Bureau of Radiation Protection

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Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

***Original signed by James Kottan***

James Kottan  
Senior Health Physicist  
Decommissioning Branch  
Division of Nuclear Materials Safety

Enclosure:  
Amendment No. 11  
Safety Evaluation Report

cc:  
Bryan Werner, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML062890344.wpd

**SUNSI Review Complete: JKottan**

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|--------|-------------|---|-------------|---|--|--|--|--|
| OFFICE | DNMS/RI     | N | DNMS/RI     | N |  |  |  |  |
| NAME   | JKottan/JJK |   | MMiller/MTM |   |  |  |  |  |
| DATE   | 10/16/2006  |   | 10/16/2006  |   |  |  |  |  |

OFFICIAL RECORD COPY

**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.

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| <p style="text-align: center;">Licensee</p> <p>1. Commonwealth of Pennsylvania<br/>Department of Environmental Protection<br/>Office of Air, Recycling and Radiation Protection<br/>Bureau of Radiation Protection</p> <p>2. Rachel Carson State Office Building<br/>P.O. Box 8469<br/>Harrisburg, Pennsylvania 17105-8469</p> | <p>In accordance with the letter dated March 9, 2006</p> <p>3. License number 37-17860-02 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date March 31, 2008</p> <hr/> <p>5. Docket No. 030-29288<br/>Reference No.</p> |
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| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any Byproduct or Special Nuclear Material</p> | <p>7. Chemical and/or physical form</p> <p>A. See Item 9</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. See Item 9</p> |
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9. Authorized use:

A. Decontamination and decommissioning of facilities; packaging of stock material and radioactive waste; storage of radioactive material and packaged radioactive waste prior to shipment. This authorization is limited to radioactive contamination which existed on January 11, 1988.

**CONDITIONS**

- 10. Licensed material may be used only at the licensee's facilities located at 115 Reactor Road, Karthaus, Pennsylvania.
- 11. Licensed material shall be used by or under the supervision of individuals designated in writing by the Radiation Safety Committee, David J. Allard, Chairperson.
- 12. The Radiation Safety Officer for this license is Bryan Werner.
- 13. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number  
37-17860-02

Docket or Reference Number  
030-29288

Amendment No. 11

14. Pursuant to 10 CFR 20.2002, the licensee is authorized to dispose of 2,800 cubic yards of low-contaminated above grade demolition debris by transferring the debris to the Onyx Greentree Landfill, LLC in Kersey, Pennsylvania. Pursuant to 10 CFR 30.11(a), Onyx Greentree Landfill, LLC is granted an exemption to the licensing requirements of 10 CFR Part 30. Under this exemption, upon receipt of the low-contaminated above grade demolition debris at the Onyx Greentree Landfill, any radioactive material on the demolition debris will no longer be subject to NRC regulation and will no longer be NRC licensed material. Therefore, the demolition debris is not subject to licensing or regulation by the NRC under the Atomic Energy Act at the time of disposal.
15. 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 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. Letter dated February 26, 2003, including the license renewal application for the Quehanna, Pennsylvania site [ML030800040]
  - B. Letter dated March 9, 2006, including submitted Decommissioning Plan for the Quehanna, Pennsylvania site, Revision 4, dated March 2006. [ML060790152]
  - C. Letter dated July 28, 2006. [ML062260365]

For the U.S. Nuclear Regulatory Commission

***Original signed by James Kottan***

Date October 16, 2006

By \_\_\_\_\_

James Kottan  
Decommissioning Branch  
Division of Nuclear Materials Safety  
Region I  
King of Prussia, Pennsylvania 19406