

## DEPARTMENT OF THE A HEADQUARTERS US ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND 5001 EISENHOWER AVENUE. ALEXANDRIA. VA. 22333

15 March 1982

Director

2 Incl

as

Nuclear Material Safety and Safeguards ATTN: Radioisotopes Licensing Branch, Mr. John Hickey US Nuclear Regulatory Commission Washington, DC 20555

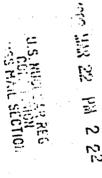
Dear Mr. Hickey,

Forwarded is US Army Communications-Electronics Command letter requesting an official NRC interpretation of Condition 12 of Byproduct Material License Number 29-01022-11.

Please acknowledge receipt of correspondence on inclosed DA Form 209 Mail Reply Card.

Sincerely RWIN N. TARAS

Chief, Health Physics Safety Office



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DEPARTMENT OF THE ARMY

HEADQUARTERS US ARMY COMMUNICATIONS-ELECTRONICS COMMAND AND FORT MONMOUTH FORT MONMOUTH, NEW JERSEY 07703

REPLY TO ATTENTION OF:

DRSEL-SF-H

10 March 1982

SUBJECT: US Nuclear Regulatory Commission (NRC) Byproduct Material License Number 29-01022-11

Commander US Army Materiel Development and Readiness Command ATTN: DRCSF-P 5001 Eisenhower Avenue Alexandria, Virginia 22333

1. Reference is made to FONECON, 10 March 1982, between Mr. Barry J. Silber and Ms. Patricia A. Elker, CECOM Safety Office, and Mr. John Hickey, NRC Materials Licensing Branch, subject as above.

2. Recent inspection of this command's radiation protection program by representatives of the US Army Environmental Hygiene Agency (AEHA) revealed discrepancies in the interpretation of Condition 12 of subject license. Condition 12 states that "licensed material shall be used by, or under the supervision of, individuals designated by the licensee and trained in accordance with TM 3-6665-264-10 as amended June 14, 1979."

3. AEHA is interpreting Condition 12 to mean that this command must officially designate individuals to utilize the licensed material, i.e. the MX-7338/PDR-27R Radioactive Test Sample incorporating 5 millicuries of <sup>85</sup>Krypton.

4. Reference 1 indicated that the NRC intent regarding Condition 12 was to assure that individuals utilizing the MX-7338/PDR-27R were properly trained and not for this command to officially "designate" individuals to utilize the MX-7338/PDR-27R.

5. Based upon the above, request official NRC interpretation of Condition 12 to preclude further citations by Army inspection teams regarding this condition. Should NRC interpretation deviate from paragraph 4 above, request Condition 12 to subject license be amended with a suitable statement authorizing use of the MX-7338/PDR-27R by Department of Defense personnel.

FOR THE COMMANDER:

BERNARD M. SAVAIKO Chief, Safety Office

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