



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

April 26, 2007

Docket No. 03005248
Control No. 137187

License No. 29-01022-06

Stephen G. LaPoint
Director, Directorate for Safety
Department of the Army
U. S. Army Communications - Electronics Life Cycle
Management Command
ATTN: AMSEL-SF-R
Fort Monmouth, NJ 07703-5024

SUBJECT: DEPARTMENT OF THE ARMY, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING FINANCIAL ASSURANCE DOCUMENTS, CONTROL NO.
137187

Dear Mr. LaPoint:

This is in reference to your letter dated June 1, 2005 providing financial assurance for decommissioning for Nuclear Regulatory Commission License No. 29-01022-06. Your current financial assurance is based on the following documents:

- a. Memorandum dated June 29, 1990 with a Statement of Intent and Applicability of Funding Requirements;
- b. Amendment to the Statement of Intent in the Memorandum dated August 26, 1993;
- c. Memorandum dated March 18, 1994 enclosing the Memorandum dated February 24, 1994 with a Statement of Intent and Applicability of Funding Requirements; and
- d. the letter dated June 1, 2005 amending the August 26, 1993, Statement of Intent.

In order to continue our review, we need the following additional information:

1. The Statement of Intent and the Applicability of Funding Requirements submitted with the memorandum dated February 24, 1994, appears to supercede the Statement of Intent and the Applicability of Funding Requirements submitted with the Memorandum dated June 29, 1990, as amended by the memorandum dated August 26, 1993. Confirm if this is correct. If so, the June 1, 2005, letter incorrectly refers only to the August 26, 1993 memorandum and a correction should be submitted.
2. Current NRC guidance for use of a Statement of Intent to provide financial assurance is contained in NUREG-1757, "Consolidated NMSS Decommissioning Guidance", Volume 3, "Financial Assurance, Recordkeeping, and Timeliness" (NUREG-1757, Vol.3). In accordance with Appendix A.16 of NUREG-1757, Vol. 3, both Statements of Intent listed above appear to contain the information required by Checklist 16-B, although the format

is different than the Model Statement of Intent shown in A.16.4. However, you have changed the name of the Command since 1990 and 1994. If this change in name is also a change of responsible authority to commit the funds, please submit a revised Statement of Intent showing the correct responsible authority.

3. In accordance with current guidance found in Appendix A.16.3, you should provide documentation that the person signing the Statement of Intent is authorized to request and obtain funds in the amount required for your financial assurance. In the Statements of Intent listed above, it appears that such documentation is found in Army regulation 210-10. If this is still correct, please provide a copy of that documentation or a web site address where that documentation can be found.
4. The Applicability of Funding Requirements documents appear to meet the current requirement for submission of a Certification of Financial Assurance as described in NUREG-1757, Vol. 3, Sections 4.3; Appendix A, Checklist 1; and Section A.2. However, Amendment 60 of your license changed the materials authorized on your license for which financial assurance is required, and your Applicability of Funding Requirements (Certification of Financial Assurance) document should be re-submitted. You should use the Model Certification of Financial Assurance shown in Section A.2.4 of NUREG-1757, Vol. 3.

Current NRC regulations and guidance are included on the NRC's website at 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).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 137187. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5040.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

cc:
Craig S. Goldberg, Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML071170193.wpd

SUNSI Review Complete: EUllrich

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	<input checked="" type="checkbox"/> N	DNMS/RI	<input type="checkbox"/>	DNMS/RI	<input type="checkbox"/>		
NAME	EUllrich/EU							
DATE	4/26/2007							

OFFICIAL RECORD COPY