

November 30, 2007

Mr. James R. Barrett  
Regulatory Compliance Manager  
BWX Technologies, Inc.  
2016 Mt. Althos Road  
Lynchburg, VA 24504-5447

SUBJECT: REQUEST TO PLACE NRC LICENSE SNM-2001 IN ABEYANCE

Dear Mr. Barrett:

The U.S. Nuclear Regulatory Commission (NRC) staff has received your letter dated October 24, 2007 (ADAMS ML073040301), regarding BWXT's Shallow Land Disposal Area's (SLDA's) license SNM-2001. Relying on Section 14B of the license, you request that all provisions of the license be placed in abeyance. You state that you have coordinated this request with the U.S. Army Corps of Engineers (USACE), and note that USACE issued a Record of Decision (ROD) for the SLDA site on September 7, 2007. But your letter is not co-signed by a USACE representative, and thus lacks the necessary USACE commitments as discussed further below. You may choose to submit a joint abeyance request with USACE, and the staff can meet with you or USACE to further discuss the process and timing of the proposed license abeyance.

The Memorandum of Understanding (MOU) between USACE and NRC for Coordination of Cleanup & Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites With NRC-Licensed Facilities (66 FR 36606; July 12, 2001) establishes the process by which USACE will initiate the license abeyance process. Under Article III of the MOU, after USACE issues a ROD for an NRC-licensed site, USACE is required to submit a request for license abeyance, and to provide a written notification. After USACE has submitted the abeyance notification, the NRC will initiate license abeyance action, if appropriate. One factor the NRC staff considers in these situations is whether USACE commits to starting its remedial action by a certain date. In the absence of any such commitment in the September 7 ROD, USACE will need to make such a commitment in an abeyance notification letter.

Accordingly, your October 24 request is denied. License SNM-2001 will remain in effect, and BWXT will be required to comply with its terms, until further NRC notice.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site

at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). This information is also available on NRC's website at: <http://www.nrc.gov/materials/decommissioning/public-involve.html>.

If you have any questions concerning this letter, please contact Mr. Amir Kouhestani at (301) 415-0023 or by email at [aak@nrc.gov](mailto:aak@nrc.gov).

Sincerely,

**/RA/**

Lydia Chang, Chief  
Special Projects Branch  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No. 70-3085  
License No. SNM-2001

cc: SLDA Distribution List

at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). This information is also available on NRC's website at: <http://www.nrc.gov/materials/decommissioning/public-involve.html>.

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Sincerely,

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Lydia Chang, Chief  
 Special Projects Branch  
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 Division of Waste Management  
 and Environmental Protection  
 Office of Federal and State Materials  
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Docket No. 70-3085

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**ML073130173**

Office	DWMEP	DWMEP	DWMEP	OGC	DWMEP
Name	AKouhestani	T.Mixon-BSJ for	L.Chang	J.Hull	K.McConnell
Date	11/06/07	11/13/07	11/15/07	11/26/07	11/30/07

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