

September 29, 2009

Mr. James Balocki, Chief
Environmental Community of Practice
Directorate of Military Programs
ATTN: CEMP-CE
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

SUBJECT: RESPONSE TO THE U.S. ARMY CORPS OF ENGINEERS' REVISED
SCHEDULE FOR SUSPENSION OF LICENSE NO. SNM-2001 FOR THE
BABCOCK & WILCOX TECHNOLOGIES SHALLOW LAND DISPOSAL AREA
PARKS TOWNSHIP, PENNSYLVANIA

Dear Mr. Balocki:

In a letter dated July 17, 2009, the U.S. Army Corps of Engineers (USACE) revised the timeline for suspension of the U.S. Nuclear Regulatory Commission (NRC) License No. SNM-2001 for the Shallow Land Disposal Area (SLDA) in Parks Township, Armstrong County, Pennsylvania. In accordance with Article III.A., of the Memorandum of Understanding between USACE and NRC (66 FR 366606; July 12, 2001) for Formerly Utilized Sites Remedial Action Program sites, the USACE notified the NRC that it anticipates taking control of the SLDA site in April 2010. The NRC acknowledges this timeline extension and will continue working to issue a Confirmatory Order suspending the SLDA license so that the USACE may conduct remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act.

The USACE also requested authorization to conduct site preparation work commencing in the fall of 2009. Details of the site preparation work are outlined in a July 24, 2009, e-mail from S. Beauchamp of your staff [ML092080430; ML092080431] and include the following: 1) an access road - emplacing base coarse and final coarse material with curbing; 2) a pad for the Material Handling Building - leveling this area, emplacing stone, concrete/asphalt base, and possibly structural steel; 3) water treatment plant - emplacing stone and concrete base; 4) trailer areas - placement of stone; 5) miscellaneous clearing and grubbing near trench Nos. 2 and 3 and Nos. 4 and 5, and around the Material Handling Building; and 6) a civil survey. USACE stated, however, that it will not disturb any licensed burial pit or material until the NRC suspends the SLDA license. Based on our discussion with your staff, it is our understanding that these site preparation activities have no reasonable nexus to radiological health and safety and/or common defense and security. Therefore, the NRC considers USACE's proposal for early site preparation work a private action between USACE and the Licensee that is not a part of NRC's licensing action for the SLDA site.

NRC staff will continue to review work plans and communicate with your staff to resolve issues to ensure compliance with the requirements of Part 70 "Domestic Licensing of Special Nuclear Material," Part 73 "Physical Protection of Plant and Materials," and Part 74 "Material Control and Accounting of Special Nuclear Material."

J.Balocki

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If you have any questions, please contact Ms. Yolande Norman at (301) 415-7741, or via e-mail at yolande.norman@nrc.gov. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Keith I. McConnell, Deputy Director
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.: 070-03085
License No.: SNM-2001

cc: SLDA Dist. List

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Sincerely,

Keith I. McConnell, Deputy Director
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.: 070-03085
License No.: SNM-2001

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