



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

September 14, 2010

Docket No. 04006394  
Control No. 572961

License No. SMB-141

Pamela E. Fry  
Experimentation Support Manager  
Department of the Army  
U.S. Army Research, Development and  
Engineering Command  
Army Research Laboratory  
Aberdeen Proving Ground, MD 21005-5067

**SUBJECT:** DEPARTMENT OF THE ARMY, ACCEPTANCE OF U.S. ARMY, ABERDEEN PROVING GROUND REQUEST TO TRANSPORT DEPLETED URANIUM-CONTAMINATED SOIL TO U.S. ECOLOGY IDAHO, INC. UNDER THE PROVISIONS OF 10 CFR 40.13, "UNIMPORTANT QUANTITIES OF SOURCE MATERIAL," CONTROL NO. 572961

Dear Ms. Fry:

By letter dated May 10, 2010 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML101340631), the Department of the Army notified the U.S. Nuclear Regulatory Commission (NRC) of its intentions to transfer 305 tons of soil contaminated with depleted uranium (DU) in accordance with 10 CFR 40.13, "Unimportant Quantities of Source Material," to the U.S. Ecology Idaho (USEI) Resource Conservation and Recovery Act Subtitle C facility located near Grand View, Idaho, for disposal.

The staff has reviewed the Department of the Army's May 10, 2010, submittal regarding the transfer of the 305 tons of soil containing DU from the Building 1103A Area site at Aberdeen Proving Ground to USEI in accordance with Title 10, Code of Federal Regulation (CFR), Section 40.13, "Unimportant Quantities of Source Material," and concluded the proposed action to be acceptable. The staff's detailed review of the Department of the Army's submittal is provided in the enclosed Safety Evaluation report. Please note that once the materials at issue have been transferred, the disposition of these materials is a matter under the jurisdiction of the State of Idaho.

In accordance with 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 NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

P. Fry

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We appreciate your cooperation and if you have any questions, please do not hesitate to contact Dennis Lawyer at (610) 337-5366.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Safety Evaluation Report

cc:  
Richard A. Markland, Radiation Safety Officer  
State of Idaho

DOCUMENT NAME: G:\WordDocs\Current\Lic Cvr Letter\LSMB-141.572961.doc

**SUNSI Review Complete: DLawyer**

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