



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

REPLY TO  
ATTENTION OF

MAR 11 2011

Mr. Keith McConnell  
Deputy Director, Division of Waste Management and  
Environmental Protection  
U.S. Nuclear Regulatory Commission  
Mail Stop T-7E18  
Washington, DC 20555

Dear Mr. McConnell:

I am writing to you regarding the Shallow Land Disposal Area (SLDA) Formerly Utilized Sites Remedial Action Program (FUSRAP) site in Parks Township, Armstrong County, Pennsylvania. The Shallow Land Disposal Area facility is currently owned and operated by Babcock & Wilcox Technical Services Group of Lynchburg, Virginia and regulated by the Nuclear Regulatory Commission (NRC) under NRC License Number SNM-2001. Under §8143(a)(2) of Public Law 107-117, the US Army Corps of Engineers (USACE) is scheduled to begin a cleanup of radioactive waste at that site. Pursuant to that section, the USACE cleanup is to be accomplished consistent with the Memorandum of Understanding between the NRC and the USACE for Coordination of Cleanup & Decommissioning of the FUSRAP sites with NRC-licensed facilities, dated July 5, 2001 (hereinafter "MOU"). In accordance with that MOU, this letter constitutes notification that USACE is prepared to take physical possession of SLDA as of June 2, 2011. Thus, USACE is hereby requesting that NRC initiate action for the suspension of the license.

USACE will take physical possession of the SLDA site no later than June 2, 2011 for purposes of control of radiation from FUSRAP radioactive waste materials currently subject to NRC jurisdiction. The USACE will be responsible for the protection of the public health and safety from those radioactive materials consistent with the provisions of Title 10 Code of Federal Regulations (CFR) Part 20, "Standards for Protection Against Radiation" and other requirements consistent with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (CERCLA), Title 42 US Code § 9601, et seq. The USACE will conduct a response action at the SLDA site pursuant to FUSRAP authority and in conformance with CERCLA, with regard to such materials, to meet the standards required under Title 10 CFR Part 20.1402. The USACE has no objections, and will facilitate, NRC observing the in-process cleanup activities.

USACE is prepared to begin remediation of the material and will so do on either June 2, 2011, or upon receipt of the notification from the NRC that the license has been suspended, whichever comes later. This request has been coordinated with Mr. Steven W. Schilthelm and Mr. Terry Chalker of BWXT, and the licensee has consented to this schedule and to the suspension of the BWXT license. We appreciate the support and cooperation your staff has provided USACE in reviewing and commenting on our remedial action work plans. If you have any questions please contact Ms. Kimberley D'Arcy at 202-761-7501, or by e-mail [kimberley.a.d'arcy@usace.army.mil](mailto:kimberley.a.d'arcy@usace.army.mil).

Sincerely,

Christine A. Godfrey  
Acting Chief, Environmental Community of Practice  
Directorate of Military Programs

**MILITARY PROGRAMS  
CORRESPONDENCE ROUTING SLIP  
DIRECTORATE OF MILITARY PROGRAMS  
ENVIRONMENTAL COMMUNITY OF PRACTICE (ECOP)**

<b>OFFICE SYMBOL:</b>	CEMP-CEP	
<b>ACTION OFFICER/POC:</b>	Kimberly D'Arcy <i>[Signature]</i>	
<b>FROM:</b>	Kip Huston	<b>DATE:</b> 9 March 2011
<b>TO:</b>	Chief, ECOP	

	CIRCLE ONE	INITIALS	DATE
<input type="checkbox"/> Chief, ECOP (CEMP-CE)		APP / DIS	_____
<input type="checkbox"/> Administrative Officer (CEMP-CE)		APP / DIS	_____
<input type="checkbox"/> Deputy Chief, ECOP (CEMP-CEC)		APP / DIS	_____
<input type="checkbox"/> Deputy Chief, DOD Team (CEMP-CED)		APP / DIS	_____
<input type="checkbox"/> Deputy Chief, Environmental Support Team (CEMP-CEP)	<input checked="" type="radio"/>	APP / DIS <i>[Signature]</i>	<u>3/9</u>

**REASON FOR DISAPPROVAL/COMMENT:**

**SUBJECT:** FUSRAP – NRC License Abeyance for Shallow Land Disposal Area (SLDA), Parks Township, Pennsylvania

**1. PURPOSE:** The enclosed letter notifies the NRC that USACE is ready to take control of the SLDA site from the current owner/operator Babcock & Wilcox Technical Services Group and requests that NRC place the SLDA license in abeyance.

**2. SUMMARY:** USACE plans to take control of the SLDA site no later than 2 June 2011 for the purposes of control of radiation from FUSRAP radioactive waste materials currently subject to NRC license. USACE will be responsible for the protection of the public health and safety from those radioactive materials. USACE will conduct a response action at the SLDA site pursuant to FUSRAP authority and conformance with CERCLA. USACE met with NRC during week of 28 February 2011 to collaborate on SLDA towards allowing USACE to take over the site. At these meetings, the NRC stated it is ready to receive USACE letter requesting the license abeyance for SLDA.

**3. COORDINATION:**  
 Chris Carey, CECC-E –  
 Sharron DaCosta, CECW-IP – see attached routing  
 Jack Jurentkuff, CECW-IN – see attached routing  
 Gary Loew, CECW-I – see attached routing

**CONTROL NUMBER** 03-0911-1

ROUTING SHEET FOR CIVIL WORKS CORRESPONDENCE\*

Date Circulated 9 March 2011

SUBJECT Subit License Abeyance  
Letter to N/C

Routing / Coordination:

[Signature]  
Action Officer (ext.) X 4153

[Signature] cdc 3/10/11  
38586

Staff Action Control (SAC) # \_\_\_\_\_

SAC Suspend Date \_\_\_\_\_

Location of Electronic Version in " " Drive:

File Folder: CECW- \_\_\_\_\_

File Subfolder: (circle one)

CS Taskers      CW Taskers      SA Taskers

Non-task Letters/Memos

File Name: \_\_\_\_\_

Electronic Read Copy File: \_\_\_\_\_

MFR: \_\_\_\_\_

Branch Secretary

[Signature] 3-9-11  
Branch Chief cdc

Division Secretary

Deputy Division Chief

[Signature] 6/R 3/10/2011  
Division Chief cdc

Assistant Dir, CECW-Z

CECW-ZC

CECW-ZB

CECW-ZA

\* After review, initial, or signature, please call the following person for pick up:

Name: \_\_\_\_\_ Phone #: 761- \_\_\_\_\_