

Joustra, Judith

From: Norman, Yolande
Sent: Tuesday, June 22, 2010 2:34 PM
To: Lenart, William J LRP
Cc: Hummel, Janna E LRB; Frothingham, David G LRB; Beauchamp, Suzanne M HQ02; Roberts, Mark; Joustra, Judith; Kauffman, Laurie; Norman, Yolande; Chang, Lydia
Subject: RE: Above DCGL contingency plan -NRC's Response
Attachments: Site.Prep.Activity.Revised Timeline.NRC letter.ML0922400581.pdf

B6
Release in Full
Yolande M
03/20/11

As a follow-up Bill,

I wanted you to be aware that USACE's Above DCGL Contingency Plan to segregate and stockpile material identified above DCGL during the site prep phase is a potential concern for the NRC because it is considered to be a licensable action. Please note in the past that surficial contamination levels have been identified outside the waste pit /trench areas. Therefore, while the NRC understands USACE's need to conduct site prep work, paragraph 3 of your e-mail suggests an expansion of digging/excavation to define the extent of material above DCGL levels in the areas proposed for site prep work and removal of this licensable material for stockpiling on-site for an unspecified length of time.

I have attached a copy of the NRC –September 29, 2009 letter just as a reminder as to the scope of work USACE had previously outlined to be performed in which “ USACE stated, however, that it will not disturb any licensed burial pit or material until the NRC suspends the SLDA license” .

I am in the process of conferring with management as to the best approach in addressing this aspect of the Above DCGL Contingency Plan to avoid any potential delays in the completion of USACE's site prep activities.

We could have a follow-up discussion as part of our upcoming teleconference call this Thursday after we discuss the NRC's preliminary comments on the FSS.

Yolande J.C. Norman,
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From: Norman, Yolande
Sent: Tuesday, June 22, 2010 9:06 AM
To: 'Lenart, William J LRP'; Chang, Lydia
Cc: Hummel, Janna E LRB; Frothingham, David G LRB; Beauchamp, Suzanne M HQ02; Roberts, Mark; Joustra, Judith; Kauffman, Laurie; Lemoncelli, Mauri
Subject: RE: Above DCGL contingency plan

Thanks Bill for USACE's proactive approach in addressing this matter.

Yolande J.C. Norman,
Project Manager

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Act, exemptions 1e
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From: Lenart, William J LRP (b)(6)
Sent: Tuesday, June 22, 2010 8:47 AM
To: Norman, Yolande; Chang, Lydia
Cc: Hummel, Janna E LRB; Frothingham, David G LRB; Beauchamp, Suzanne M HQ02
Subject: Above DCGL contingency plan

Yolande -

As you are aware, preparatory work has begun at the SLDA site. Based on previous walkover data and sampling, we have no reason to believe any above DCGL materials will be encountered during this work. Confirmatory surveys have been performed this spring. However, the following contingency plan has been developed to address the possibility of encountering above DCGL materials.

During site preparation activities at the SLDA site, Health Physics personnel will be performing radiological scanning and sampling of soil and other organic matter. Site preparation activities include the installation of the Final Status Survey Pad, the Material Processing Building, the Site Access Road, a Below DCGL Pad, sediment traps and basins, trenching and backfilling for water and electrical services, and other minor intrusive activities to install temporary roads and utilities. None of the site preparation activities are associated with the existing 10 waste trenches. Scan count rates in excess of twice background (the average established background/reference area measurements is 12,146 cpm) as measured with an Alpha Spectra G-5 scintillation detector (FIDLER), or equivalent, will trigger additional investigations. Site preparation activity in this area will be redirected to other areas to allow for the additional investigation, as necessary. The additional investigation may include a more focused scanning of the suspect area and/or off site analysis of a sample. Upon completion of the investigation, soils will be designated as either above DCGL or below DCGL.

The plan to address any potential material that is above DCGL is to segregate the material from the site preparation area and stockpile the material on the surface of the existing waste trench locations. This above DCGL stockpile area will be constructed using two layers of poly sheeting to prevent contact with the underlying soils. The stockpiled above DCGL material will be covered at the end of each workday with poly sheeting to prevent water infiltration and fugitive dust emissions from the pile during windy conditions. It is anticipated that not more than 10 cubic yards of material above DCGLs will be encountered and stockpiled; however, if this occurs the material will be staged in a strong tight container on site. Once the Material Processing Building construction is complete, the material above DCGLs will be stored in the building and addressed during the next construction season.

Feel free to contact us with any questions or concerns you may have on this plan. As I have indicated we don't anticipate encountering any material above DCGL but we still have to plan for it.

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

FSME

**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,

/RAJ

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

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,

Keith I. McConnell, Deputy Director
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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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