

April 2, 2012

Mr. Joel G. Himsl  
Garrison Manager – Rock Island Arsenal  
U.S. Department of the Army  
IMNE-RIA-ZA  
1 Rock Island Arsenal  
Rock Island, Illinois 61299-5000

SUBJECT: RESPONSE TO ARMY EXTENSION REQUEST OF NOVEMBER 28, 2011,  
CONCERNING JPG DECOMMISSIONING PLAN

Dear Mr. Himsl:

This letter responds to the Department of the Army's (Army's) November 28, 2011, request to the U.S. Nuclear Regulatory Commission (NRC) for a 20-month extension to submit the Decommissioning Plan and Environmental Report for materials license number SUB-1435 for the Jefferson Proving Ground (JPG) site in Madison, Indiana. License Condition 13 of the JPG materials license required that a Decommissioning Plan be submitted no later than December 31, 2011. The Army is now proposing an alternate schedule for the submittal of this plan.

The NRC staff has completed its preliminary review of the extension request. Changes to existing license conditions must be pursued through a request for license amendment. The Army is hereby notified that its extension request has been found to be incomplete and unacceptable. The basis for this determination is that the current request is not consistent with the requirements of 10 CFR 40.42(g)(2) or 40.44 of the NRC's regulations regarding requests for the approval of an alternative schedule for submittal of a decommissioning plan and the amendment of licenses, respectively. Accordingly, the Army should submit a license amendment request for an alternate schedule for the submission of a Decommissioning Plan that complies with the NRC's regulations within sixty (60) days of the date of this letter or the original request will be denied.

Please note that as the Army did not submit a Decommissioning Plan by the December 2011, date specified in License Condition 13, the Army is in violation of the terms of its license. Any license amendment request should be submitted according to 10 CFR 40.44, and should specify the respects in which the Army desires the license to be amended and the grounds for such amendment. In order for the NRC to assess the merits of any alternate schedule request, in accordance with 10 CFR 40.42(g)(2), the Army should address the following in its license amendment request:

- Explain why the extension request is necessary to the effective conduct of decommissioning operations, that the extension presents no undue risk from radiation to the public health and safety, and why the extension is otherwise in the public interest.
- In October 2009, the Army submitted Addendum 8 to its Field Sampling Plan (FSP). The Army should update its FSP and explain how this updated FSP will generate the site characterization information needed to support a decommissioning plan to be submitted within the extended timeframe. The Army should identify any deviations in scope and schedule to the activities identified in that updated FSP from the earlier FSP. For example, has there been a delay in the initiation and/or completion of previously identified tasks? If so, an explanation should be provided as to the reason(s) for the delay(s) and how they now impact the overall development of a decommissioning plan.
- Explain why any extension request, if granted, would satisfy the requirements of a categorical exclusion provision and not require additional environmental review beyond what is currently called for in the license, consistent with the NRC's regulation at 10 CFR 51.22(c)(14)(xv), or failing that, submit an environmental report pertaining to the extension request.

In accordance with 10 CFR 2.390 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>.

If you have any questions concerning this letter, contact Dr. Michael P. Lee, the Project Manager for the JPG site. He can be reached at (301) 415-6887 or [Mike.Lee@nrc.gov](mailto:Mike.Lee@nrc.gov).

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

cc:  
Richard Hill, Save the Valley, Inc.  
Dr. Robert Cherry, U.S. Army

- Explain why the extension request is necessary, presents no undue risk from radiation to the public health and safety and why it is otherwise in the public interest. In October 2009, the Army submitted Addendum 8 to its Field Sampling Plan (FSP).. The Army should update its FSP and explain how this updated FSP will generate the site characterization information needed to support a decommissioning plan to be submitted within the extended timeframe. The Army should identify any deviations in scope and schedule to the activities identified in that earlier FSP. For example, has there been a delay in the initiation and/or completion of previously identified tasks? If so, an explanation should be provided as to the reason(s) for the delay(s) and how they now impact the overall development of a Decommissioning Plan.
- Explain why any extension request, if granted, would satisfy the requirements of a categorical exclusion provision and not require additional environmental review beyond what is currently called for in the license, consistent with the NRC’s regulation at 10 CFR 51.22(c)(14)(xv), or failing that, submit an environmental report pertaining to the extension request.

In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” 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>.

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Keith I. McConnell, Deputy Director  
 Decommissioning and Uranium Recovery  
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 and Environmental Protection  
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 Richard Hill, Save the Valley, Inc.  
 Dr. Robert Cherry, U.S. Army

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