



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

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Ser N45/13U139725
9 August 2013

Mr. Shawn W. Seeley
U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

Dear Mr. Seeley:

Subj: REQUEST ALTERNATE SCHEDULE FOR DECOMMISSIONING PLAN FOR
NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE

03029462

The Navy's radioactive materials program is licensed with the Nuclear Regulatory Commission (NRC) under Master Materials License (MML) No. 45-23645-01NA. The Navy is requesting an alternate schedule for submittal of a decommissioning plan for Naval Radioactive Material Permit (NRMP) No. 04-65030-L1NP at Naval Air Warfare Center Weapons Division (NAWCWD) China Lake in accordance with 10 CFR 30.36(g)(2). We request an indefinite date for submission of a decommissioning plan for NAWCWD China Lake based upon the justifications in enclosure (1), as recommended in NUREG 1757, Vol. 3, Rev 1.

Although pre-decommissioning activities have already begun at this site, per 10 CFR 30.36(d), current circumstances make continuation of these activities unfeasible. In order to ensure that there is a process for decommissioning review, the Naval Radiation Safety Committee (NRSC) will amend NRMP No. 04-60530-L1NP to a storage only permit (Source Material Standby - No Operations) with a renewal date of ten years. During the renewal process, the NRSC will re-evaluate the feasibility of decommissioning any or all of the sites listed on the NRMP and will inspect the site every three years. If decommissioning of any of the sites is feasible, a decommissioning plan will be submitted to the Commission in accordance with 10 CFR 30.36(g)(1).

If you have additional questions, please do not hesitate to contact me via telephone at (703) 695-5259 or through electronic mail at donna.davis-urgo@navy.mil.

Sincerely,

D. L. DAVIS-URGO
Captain, MSC, U.S. Navy
Executive Secretary
Naval Radiation Safety Committee

Enclosures (1)

Copy to: See Next Page

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NMSS/RGN1 MATERIALS-002

REC'D IN LAT

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Naval Sea Systems Command (04N)
(jerry.n.sanders@navy.mil)
Naval Sea Systems Command Detachment, Radiological Affairs
Support Office (NAVSEA DET RASO)
(nsscnavsearasoadmin@navy.mil)

EVIDENCE THAT A REQUEST FOR AN ALTERNATE SCHEDULE FOR SUBMISSION OF A DECOMMISSIONING PLAN IS NECESSARY TO THE EFFECTIVE CONDUCT OF DECOMMISSIONING OPERATIONS AND PRESENTS NO UNDUE RISK TO PUBLIC HEALTH AND SAFETY, AND OTHERWISE IN THE PUBLIC INTEREST

To demonstrate that this alternate schedule request is necessary for effective decommissioning operations, will not be detrimental to public health and safety, and is otherwise in the public interest, the following amplifying information is provided:

1. RASP program inspections of Naval Radioactive Materials Permit (NRMP) No. 04-60530-L1NP, for depleted uranium (DU) munitions distribution and storage, indicate that NAWCWD China Lake has complied with U.S. Navy's regulatory requirements. Ongoing compliance inspections and continued permitting actions will ensure continued compliance.

2. The permittee has developed, documented, and implemented a radiation safety protection program commensurate with the scope and extent of permitted activities and sufficient to ensure compliance with the provisions of 10 CFR 20.1101. This ensures that public health and safety will be protected during the standby period. The following health and safety plan elements will be in effect during the standby period:

a. Operating procedures have been developed for the handling, movement, storage, and disposal of DU munitions. Emergency procedures have been developed covering potential casualty scenarios (e.g., contamination spread, theft, loss of material, etc.).

b. NAWCWD China Lake is a military facility with controlled access and active federal security that prevents unescorted public access to any of the ranges containing depleted uranium (DU). The radiation safety staff at NAWCWD China Lake has physical custody and control of all of the ranges known to have been used for licensed DU operations. Personnel must attend radiation safety training and briefings prior to entering any range containing DU munitions and fragments. The efficacy of this training has been seen via the knowledge exhibited by the range personnel during site inspections.

c. The permittee has committed to performing annual compliance audits of the radiation safety program content and implementation until the NRMP is terminated.

d. The permittee uses procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA). The command has performed extensive baseline radiological surveys of all DU contaminated ranges to ensure compliance with public dose limits.

3. All of the ranges covered under NRMP 04-60530-L1NP are operational military ranges in support of the U.S. Navy and the Department of Defense (DoD). Prior to any decommissioning activities, all of the ranges will need to be cleared of any non-exploded ordnance. Currently, the U.S. Navy and DoD reserve the right under U.S. Code Title 10, Section 101(e)(3), to utilize these ranges for future needs of national defense.

Enclosure (1)

EVIDENCE THAT A REQUEST FOR AN ALTERNATE SCHEDULE FOR SUBMISSION OF A DECOMMISSIONING PLAN IS NECESSARY TO THE EFFECTIVE CONDUCT OF DECOMMISSIONING OPERATIONS AND PRESENTS NO UNDUE RISK TO PUBLIC HEALTH AND SAFETY, AND OTHERWISE IN THE PUBLIC INTEREST

4. Postponing further decommissioning activities will not result in the spread of DU contamination. DU contamination exists mainly as insoluble uranium oxides or fragments. The annual rainfall for China Lake is approximately one to three inches per year. Studies suggest that significant migration of DU is not expected.

5. All of the contaminated sites are outdoor ranges with the majority of the land undeveloped and for exclusive military use for the foreseeable future. The sites provide habitat to 675 plant species, 1833 species of arachnids and insects and to date 465 species of vertebrates. There are three endangered species: the Mohave tui chub, the desert tortoise, and the Inyo California towhee. Included in the habitat are also five threatened species and nine unusual species. Due to the conservation efforts, any remediation of the sites will need detailed environmental studies prior to any cleanup activities to ensure compliance with the California Desert Protection Act of 1994.

6. NAWCWD China Lake is currently working on a Historical Radiological Assessment (HRA) documenting the use of DU and DU munitions for Atomic Energy Commission and NRC licensed activities prior to the establishment of the MML. Finalizing this research is essential to the planning and execution of future decommissioning activities.

7. As stated above, NAWCWD China Lake has made efforts towards decommissioning of the original permitted sites, however, ordnance testing activities now are active for the ranges covered under the permit, making further decommissioning activities extremely hazardous and risky.

This is to acknowledge the receipt of your letter/application dated

8/7/13 & 8/9/13 ^(S) and to inform you that the initial processing which includes an administrative review has been performed.

Amendments (45-23645-01NA)
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 581661, 581662,
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

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