

October 23, 2013

Dr. Robert Cherry, Radiation Safety Staff Officer
U.S. Army Installation Management Command
ATTN: IMSO/301
Building 2261
2405 Gun Shed Road
JBSA Fort Sam Houston, TX 78234-1223

SUBJECT: MATERIALS LICENSE SUC-1593, U.S. ARMY INSTALLATION MANAGEMENT
COMMAND (Docket No. 040-09083)

Dear Dr. Cherry:

In a letter dated November 6, 2008, the U.S. Army Installation Management Command (Army) submitted a license application (application) to the U.S. Nuclear Regulatory Commission (NRC) requesting a source material license to allow the possession of depleted uranium (DU) from the M101 Davy Crockett spotting round (Agency Document Access and Management System (ADAMS) Accession No. ML090070095). On July 8, 2009, the Army provided two generic plans (applicable to all sites where DU has been found) to NRC for review (ML091950282), entitled "Physical Security Plan for Depleted Uranium from the M101 Spotting Round" (ML091950286) and "Environmental Radiation Monitoring Plan for Depleted Uranium from the M101 Spotting Round" (ML091950291). Two site-specific Environmental Radiation Monitoring plans (ERMPs) were also provided for Schofield Barracks (ML091950292) and the Pohakuloa Training Area (ML091950297). On August 3, 2009, the NRC notified the Army that the plans were accepted for detailed technical and environmental review (ML092150316). On February 9, 2011, the Army provided the "Radiation Safety Plan for US Army Garrison Hawaii Ranges Affected by Depleted Uranium in M101 Davy Crockett Spotting Rounds" (ML110610529) (RSP).

Between August 2009 and June 2012, Army and NRC staff met several times to discuss the ERMPs and RSP for the Hawaiian installations. The Army provided several revisions to the RSP and ERMPs and provided additional information on the environmental conditions at the Hawaiian installations.

On June 28, 2012, NRC staff provided a draft license to the Army incorporating license conditions that the NRC staff determined were necessary to ensure that the Army complied with NRC's regulations and requirements for the possession of the DU (ML12179A321). On September 10, 2012, the Army provided comments on the draft license. In its response, the Army requested that the NRC exempt the Army from licensing DU from the Davy Crockett under the provisions of 10 CFR 40.13(c)(5) or 10 CFR 40.14(a) (ML12265A173). During a meeting on December 12, 2012, the NRC staff denied the Army's request for an exemption. The Army requested a formal denial of this request on July 23, 2013 (ML13221A181). The NRC provided its response to this request on August 29, 2013 (ML13226A143).

On May 9, 2013, the NRC staff provided proposed resolutions to the license conditions that had not been resolved during previous meetings (ML13126A298). On May 30, 2013, the NRC staff met with Army staff to resolve the remaining issues surrounding the license conditions (ML13157A286). On June 21, 2013, the Army provided a revised RSP for the Hawaiian sites (ML13190A264). On August 14, 2013 the NRC staff provided comments on the revised RSP (ML13218A229). On August 23, 2013, the Army provided a revised RSP that addressed the NRC staff's outstanding comments (ML13242A281).

The NRC has found that the application for possession of depleted uranium at the Army's Hawaiian installations complies with the Atomic Energy Act of 1954, as amended, and the Commission's regulations. Based on its review the staff concludes that the application meets the requirements of 10 CFR Parts 19, 20, and 40. More specifically, in accordance with 10 CFR 40.32 (b)-(c), the staff finds that the Army is qualified by reason of training and experience to possess source material for the purpose requested, and that the Army's proposed equipment and procedures for possession of depleted uranium at it Hawaiian installations are adequate to protect public health and minimize danger to life or property. The NRC staff's review supporting these findings is documented in the enclosed Safety Evaluation Report (Enclosure 1).

Therefore, in accordance with 10 CFR 40.32(d), the staff finds that issuance of a license to the Army will not be inimical to the common defense and security or to the health and safety of the public and that the appropriate action is to issue Materials License SUC-1593 (Enclosure 2).

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 ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Dominick Orlando 301-415-6830 or by e-mail at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09083

Enclosures:

1. SER
2. License

On May 9, 2013, the NRC staff provided proposed resolutions to the license conditions that had not been resolved during previous meetings (ML13126A298). On May 30, 2013, the NRC staff met with Army staff to resolve the remaining issues surrounding the license conditions (ML13157A286). On June 21, 2013, the Army provided a revised RSP for the Hawaiian sites (ML13190A264). On August 14, 2013 the NRC staff provided comments on the revised RSP (ML13218A229). On August 23, 2013, the Army provided a revised RSP that addressed the NRC staff's outstanding comments (ML13242A281).

The NRC has found that the application for possession of depleted uranium at the Army's Hawaiian installations complies with the Atomic Energy Act of 1954, as amended, and the Commission's regulations. Based on its review the staff concludes that the application meets the requirements of 10 CFR Parts 19, 20, and 40. More specifically, in accordance with 10 CFR 40.32 (b)-(c), the staff finds that the Army is qualified by reason of training and experience to possess source material for the purpose requested, and that the Army's proposed equipment and procedures for possession of depleted uranium at it Hawaiian installations are adequate to protect public health and minimize danger to life or property. The NRC staff's review supporting these findings is documented in the enclosed Safety Evaluation Report (Enclosure 1).

Therefore, in accordance with 10 CFR 40.32(d), the staff finds that issuance of a license to the Army will not be inimical to the common defense and security or to the health and safety of the public and that the appropriate action is to issue Materials License SUC-1593 (Enclosure 2).

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 ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Dominick Orlando 301-415-6830 or by e-mail at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Larry W. Camper, Director
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-09083

Enclosures:

1. SER
2. License

ML13253A422

| | | | | | |
|-------------|----------|---------|-----------|----------|----------|
| OFC | DWMEP | DWMEP | OGC | DWMEP | DWMEP |
| NAME | NOrlando | SAchten | SChidakel | MNorato | LCamper |
| DATE | / /13 | 9/13/13 | 10/3/13 | 10/17/13 | 10/23/13 |

OFFICIAL RECORD COPY