



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

November 14, 2013

Docket No. 03005533
Control No. 582275

License No. 31-07595-01

Lee H. Schiller, Jr.
Colonel, U.S. Army,
Commanding
Department of the Army
Watervliet Arsenal
Building 10, AMSTA-CO
1 Buffington Street
Watervliet, NY 12189-4000

SUBJECT: DEPARTMENT OF THE ARMY, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING APPLICATION TO TERMINATE LICENSE, CONTROL NO.
582275

Dear COLONEL Schiller:

This is in reference to your application dated September 19, 2013 (ADAMS Accession No. ML13296A347) requesting to terminate Nuclear Regulatory Commission License No. 31-07595-01. NRC License No. 31-07595-01 has been active since 1961. Between 1961 and 1994, this license authorized the possession and use of unsealed radioactive material. Specifically, millicurie quantities of carbon-14 and iron-55 were listed on the license for use in solid state tracer studies in metals. Between 1975 and 1977, this license authorized use of tritium in gaseous form with a maximum possession limit of 500 curies for activities that included testing and evaluation (See amendments 7 and 8 of this license). These long-lived nuclides may still be present at your facility. In order to continue our review, we need the following additional information:

1. In your application, you indicated that the x-ray fluorescence lead paint analyzer was transferred to the Army's NRC License No. 12-00722-15 (docket number: 03036094). Please provide documentation identifying that the analyzer was received by that Army facility.
2. When a licensee terminates licensed activities or licensed activities are transferred to another licensee, the regulations in 10 CFR 30.35(g), require that records of information important to decommissioning be transferred to the U.S. Nuclear Regulatory Commission or to a successor licensee to ensure their long-term availability. Please transfer the following records, as were applicable to your program, that pertain to:
 - a. the decommissioning of your facility including records of burials; and
 - b. records of offsite releases and waste disposal including effluent releases, release to sewers, incineration, and radioactive material spills.

Records may be transferred to the U.S. Nuclear Regulatory Commission, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, Pennsylvania 19406-2713, or to the new licensee if licensed activities will continue at the same location under another Commission license (e.g., NRC License No. 31-07595-02).

No license terminations will be authorized unless all records considered important to the safe and effective decommissioning of the facility in 10 CFR 30.35(g) have been transferred to the person continuing the licensed activity, or to the Commission for license terminations.

3. In addition to the above, 10 CFR 30.51(d) requires that prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall forward the following records to the appropriate NRC Regional Office:
 - a. Records of disposal of licensed material made under §§ 20.2002 (including burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005; and
 - b. Records required by § 20.2103(b)(4).
4. 10 CFR 30.35(g) requires licensees to keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. Information the Commission considers important to decommissioning consists of—
 - a. Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations.
 - b. As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
 - c. Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or byproduct materials having only half-lives of less than 65 days, a list contained in a single document and updated every 2 years, of the following:
 - (i) All areas designated and formerly designated restricted areas as defined in 10 CFR 20.1003 (For requirements prior to

January 1, 1994, see 10 CFR 20.3 as contained in the CFR edition revised as of January 1, 1993.);

- (ii) All areas outside of restricted areas that require documentation under § 30.35(g)(1).
- (iii) All areas outside of restricted areas where current and previous wastes have been buried as documented under 10 CFR 20.2108; and
- (iv) All areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.

Records may be transferred to the U.S. Nuclear Regulatory Commission, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, Pennsylvania 19406-2713, or to the new licensee if licensed activities will continue at the same location under another Commission license (e.g., NRC License No. 31-07595-02).

5. Please review 10 CFR 30.36(k) to ensure that you provide the NRC with the necessary information in regards to the following:
 - a. Byproduct material has been properly disposed;
 - b. Reasonable effort has been made to eliminate residual radioactive contamination, if present;
 - c. A radiation survey has been performed that demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E; or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E; and
 - d. Records required by § 30.51 (d) and (f) have been sent to the NRC Regional Office.
6. Your application dated October 14, 2004 (ADAMS Accession No. ML043060135) indicated that this license would use or store radioactive material in building 40, the basement of building 10, and room 102 in building 119. Please provide the final status surveys for these areas, and any other areas where radioactive material listed under this license was used, unless these areas are still being used under NRC License No. 31-07595-02. NUREG-1757 Volume 1 and 2 (ADAMS Accession Nos. ML063000243 and ML063000252) contains guidance to help you with your response.

7. For license termination, please resubmit your application using the guidance in NUREG-1757, Volumes 1 and 2, "Consolidated Decommissioning Guidance." Based on the historical use of radioactive materials at the arsenal, determine what decommissioning group fits best and follow the guidance on the necessary steps to take in order to complete license termination. If the best fit is a decommissioning group 3, we will need to generate an environmental assessment because there is no categorical exclusion in accordance with 10 CFR 51.22(c)(20)(ii).
8. Your application requested termination of your NRC specific license.
 - a) If you possess generally licensed material (e.g., Ni-63 electron capture detectors, tritium exit signs, etc.), the requirements of 10 CFR Part 31 will still apply. Please confirm your understanding of the commitments for generally licensed material.
 - b) The Nuclear Regulatory Commission (NRC) amended its regulations to implement its jurisdiction over accelerator-produced radioactive materials and discrete sources of radium-226, as required by the Energy Policy Act of 2005 (EPAAct). This amendment to the regulations is often referred to as the NARM Rule. The NARM final rule was published on October 1, 2007 and went into effect on November 30, 2007. 72 FR 55864. If you possess NARM, please factor in the proper disposition of this material in your plans to terminate your NRC specific license.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits**, see our **toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 582275. If you have any technical questions regarding this letter, please call me at (610) 337-5251.

L. Schiller

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If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

Sincerely,

Original signed by Kathy Modes

Kathy Modes
Senior Health Physicist
Decommissioning Branch
Division of Nuclear Materials Safety

cc:
Matthew K. Church, Radiation Safety Officer

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SUNSI Review Complete: KModes

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