



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001**

May 10, 2021

Dr. Robert Cherry
Radiation Safety Officer
U.S. Army IMCOM
ATTN: IMSO/106
Building 2261
2405 Gun Shed Road
JBSA Fort Sam Houston, TX 78234-1223

SUBJECT: ACCEPTANCE OF FINANCIAL ASSURANCE FOR U.S. ARMY JEFFERSON
PROVING GROUND, SOURCE MATERIALS LICENSE NO. SUB-1435
(DOCKET NUMBER 040-08838)

Dear Dr. Cherry:

By letter dated September 26, 2019, (Agencywide Documents Management and Access System [ADAMS] Accession No. ML19302E173), the U.S. Army Installation Management Command (Army) submitted the Revised Final Decommissioning Funding Plan (DFP) for Jefferson Proving Ground, Source Materials License (SML) No. SUB-1435, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 40.36(d)(2), which requires an updated decommissioning cost estimate and financial assurance instrument on a triennial basis. The requirements in 10 CFR 40.36(e)(4) state that a government entity who uses a statement of intent (SOI) for financial assurance must include a cost estimate for decommissioning and indicate that funds for decommissioning will be obtained when necessary.

The U.S. Nuclear Regulatory Commission (NRC) staff issued a request for additional information (RAI) in letter dated July 10, 2020 (ML20175A166), and a follow up letter dated November 9, 2020 (ML20309A340). The follow up letter stated the Army should consider clarification changes to the SOI and the submittal of a Certification of Financial Assurance (CFA) during the next triennial update for License No. SUB-1435. The Army responded to these RAIs in updated revised DFP submittal dated December 2, 2020 (ML21116A146).

The NRC staff has reviewed the Army's updated revised DFP submittal and concludes that the decommissioning cost estimate reasonably includes funds sufficient to cover the estimated costs of site decommissioning. The NRC staff finds that the SOI to request funds in the amount of \$3.5 billion provides reasonable assurance that the Army will obtain federal government funding when the site enters the planning process for decommissioning.

The following document currently provides financial assurance for SML SUB-1435:

Revised Final Decommissioning Funding Plan, dated December 2, 2020, including the
Statement of Intent dated September 20, 2019 (ML21116A146)

The NRC considers this financial assurance to remain valid for 3 years from the date on the SOI. Therefore, the Army should submit their triennial update to the DFP (including the SOI and CFA) by the end of September 2022.

In accordance with Title 10 of *Code of Federal Regulation* (10 CFR) Part 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Priya Yadav of my staff at 301-415-6667 or by e-mail at Priya.Yadav@nrc.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Koenick".

Stephen Koenick, Chief
Low-Level Waste and Projects Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket Number: 040-08838
License Number: SUB-1435

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