



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON DC

RECEIVED  
12/14/2022



30 November 2022

MEMORANDUM FOR NRC REGION IV  
ATTN: Allyce Bolger

FROM: AFMRA/SG3PB

SUBJECT: Master Materials License Letter of Understanding

O ckl'Eqvtqn'P wo dgt'855: 4:  
F qengv'P wo dgt'524: 863  
Nlegpug'P wo dgt'64/4575; /23CH  
Nlegpugg'P co g'Vj g'F gr ctwo gpv'qh'yj g'Ckt'Hqteg"

As of 30 November 2022, the Radioisotope Committee Secretariat enters into the approval and negotiations process for the Master Materials License Letter of Understanding.

The point of contact is Lt Col Christina Peace, (703) 681-7876 or via email at christina.peace.mil@health.mil.

PEACE.CHRISTINA.1258846024  
NA.1258846024  
CHRISTINA PEACE, Lt Col, USAF, BSC  
Chief, Radiation Health  
Radioisotope Committee Secretariat

Digitally signed by  
PEACE.CHRISTINA.1258846024  
Date: 2022.11.30 15:09:07  
-05'00'

## **UNDERSTANDINGS BETWEEN THE UNITED STATES DEPARTMENT OF THE AIR FORCE AND THE UNITED STATES NUCLEAR REGULATORY COMMISSION**

This document presents the mutually agreed upon shared responsibilities of the United States Nuclear Regulatory Commission (NRC) and the United States Department of the Air Force (DAF), Radioisotope Committee (RIC) regarding the RIC's implementation of, and compliance with, the terms and conditions of the DAF Master Materials License (MML), NRC License Number 42-23539-01AF, as amended.

### **ADMINISTRATIVE**

1. This document supersedes the Letter of Understanding originally agreed to in the initial issuance of the MML on June 26, 1985, as revised on July 1, 1987 and September 19, 2014.
2. The RIC will implement and comply with all applicable NRC rules, regulations, and orders. When the NRC has promulgated a rule revising its regulations, the RIC will implement and comply with the revised regulations by the effective implementation date of the final rule, unless the RIC requests and is granted an extension in writing. The RIC may elect to be more stringent in its controls.
3. The MML does not relieve the RIC from complying with any other applicable Federal or State law or regulation.
4. The RIC shall seek advice regarding any questions concerning the interpretation of NRC rules, regulations, orders, policy, procedures and guidance, including, but not limited to, advice concerning new or unusual applications of licensed materials not clearly authorized by the MML. The NRC shall provide the requested advice to the RIC as soon as practicable.
5. The RIC shall not grant exemptions to NRC regulations without specific NRC authorization.
6. The RIC shall ensure that the transportation of licensed material is in accordance with NRC and U.S. Department of Transportation (DOT) regulations regarding the shipment of radioactive materials. The RIC MML is exempt from 10 CFR Part 71 requirements when using DOT exemptions issued to the Department of Defense for purposes of national security or national defense.
7. The RIC shall promptly notify the NRC of, or report to the NRC as appropriate, any events as required by applicable NRC rules, regulations, or orders. The RIC shall ensure that DAF permittees will make any required notifications or reports directly to the RIC as required by AFMAN 40-201, to allow the RIC to make the subsequent notification or report to the NRC as required by the applicable rule, regulation, or order.
8. The NRC shall provide guidance and assistance in areas pertinent to the administration of the MML, including technical assistance in those matters where the NRC has special capabilities and ability, or where the NRC determines that such assistance is in the best interest of its regulatory program or responsibility.

9. The NRC shall promptly provide new and revised licensing, inspection, security and enforcement guidelines, policies and procedures to the RIC, which is otherwise applicable, so that the RIC can implement the MML in a manner which is consistent with these guidelines, policies, and procedures. The NRC shall provide training to RIC staff, as available, in all NRC training programs concerned with licensing, inspection, health physics, materials security and other regulatory issues related to byproduct, source and special nuclear material.
10. The RIC shall maintain that level of professional and clerical staffing necessary to carry out its responsibilities under the MML.
11. When practical, the RIC and the NRC shall use electronic means to conduct official business.

### **ENVIRONMENTAL**

12. Certain license amendment requests are required to include and an applicant prepared environmental report (ER) to aid the NRC staff perform its responsibilities under the National Environmental Policy Act of 1969, as amended (NEPA), as implemented in 10 CFR Part 51. The RIC shall submit an ER if the criteria of 10 CFR 51.60, "Environmental report – materials licenses", apply. In response to NRC requests under 10 CFR 51.41 or 51.45, the DAF may use documents prepared, or information obtained through its environmental impact analysis pursuant to NEPA, the Comprehensive Environmental Response, Compensation and Liability Act, or other evaluation if such documentation or information is pertinent.

### **PERMITTING**

13. The RIC shall incorporate the NRC's licensing process to ensure compatibility of the RIC's permitting program with the NRC's licensing program.
14. The RIC shall not issue a permit to any entity that is not a component or constituent part of the DAF.
15. The RIC will issue permits for five years unless otherwise determined (i.e. two years for possession only).
16. The RIC may approve the use of licensed materials in a permit by individuals who are not DAF personnel if the RIC determines that such individuals are qualified to use such licensed materials under the permit in accordance with applicable NRC requirements, applicable procedures established by the RIC, the RIC issued permit, and any DAF facility procedures. The work space of individuals covered by this paragraph must be under the control of the DAF (i.e., the work space must be either owned by or leased to the United States, under the administrative control of the DAF). The individuals covered by this paragraph include, but are not limited to, DAF contractors, students in training, and visiting professionals.
17. The RIC must receive NRC authorization prior to performing any proposed disposal procedures not covered by current NRC regulations, such as radioactive waste incineration, establishing any new radioactive waste burial site, low-level radioactive contamination training area, or outdoor depleted uranium munitions testing range, or

conducting any field study, which may involve the deliberate release of licensed material directly into the environment. The RIC must submit a written description of the proposed activity to the NRC Region IV Office for approval. The NRC will notice any required NEPA document in the Federal Register.

## **INSPECTION**

18. The RIC shall incorporate the current NRC Manual Chapter 2800, *Materials Inspection Program*, and applicable NRC inspection procedures in its inspection program to ensure compatibility with NRC's inspection program. Training will be in accordance with the current Staff Training and Qualifications policy.
19. The RIC shall request authorization from the NRC through the NRC Region IV Office if it wishes to delay inspections beyond Manual Chapter 2800 designated inspection frequency for a permittee.
20. The NRC retains the authority to conduct unannounced inspections of the Air Force program, including permittee programs under the MML, at times and places determined appropriate, without prior notification to the RIC. However, the NRC will routinely provide, through the responsible regional office, a 30 day notice to the RIC of scheduled NRC DAF inspections for the purpose of coordinating security access to DAF installations, scheduling DAF inspectors to accompany NRC inspectors, or for other reasons. The RIC will inform the NRC Region IV Office as to whether additional security requirements are required at the respective DAF installation. If there are additional security requirements, then the NRC will process the necessary security clearance in accordance with the installation's procedures. The RIC will not notify permittees about any proposed unannounced NRC inspection.
21. The NRC will perform inspections of the DAF MML program as specified in Manual Chapter 2810, "Master Materials License Inspection Program". This inspection will be coordinated between the NRC Region IV Office and the RIC and will be considered an announced inspection.

## **ALLEGATIONS**

22. The RIC will inform the NRC Region IV Office within three days, of each allegation received.
23. Allegations received by NRC staff regarding MML activities may either be processed by NRC or referred to the RIC. Allegations of suspected wrongdoing will be processed by the NRC Region IV Office for entrance into the NRC Allegation Program. Allegations related to improper action by RIC staff should not be processed under the RIC's program, but should be referred to the NRC Region IV Office for processing.
24. The RIC will establish a safety conscious environment in which employees and contractors are free to raise potential or actual issues within NRC jurisdiction that may involve operations, radiological releases, radiation protection or other matters relating to NRC-regulated activities, to their management and to the NRC without fear of retaliation.

## **ENFORCEMENT**

25. The NRC will coordinate with the DAF installation, after notifying and coordinating with the RIC, regarding any enforcement action involving generally licensed devices or other regulatory matters that do not involve specifically licensed material under the MML.
26. The RIC shall implement an enforcement program based on the current NRC Enforcement Policy to ensure that RIC enforcement actions are consistent with the Policy and applicable NRC regulations, and are uniformly applied amongst RIC permittees.
27. The RIC shall notify the NRC Region IV Project Manager as soon as practicable when the RIC identifies permittee violations of NRC regulations or MML license or RIC permit requirements that could result in escalated enforcement (i.e., Severity Level I, II, and III). The facts related to the case shall subsequently be provided to the NRC Region IV Office as specified in the NRC Enforcement Manual.
28. The RIC may take enforcement action against any RIC permittee for violations of NRC regulations, MML license conditions, or RIC permit conditions. However, the RIC may not issue a civil penalty to its permittee. The NRC Region IV Office will provide appropriate disposition for RIC identified apparent escalated violations and NRC identified violations through the normal NRC enforcement process. The NRC reserves the right to impose civil penalties in accordance with the Enforcement Policy.

## **INVESTIGATIONS**

29. The RIC shall promptly report all suspected wrongdoing or violations of NRC requirements to the NRC Region IV Office. The RIC shall address immediate and ongoing safety/security issues promptly and subsequently discuss the safety/security issues with the NRC Region IV Office as soon as practical. 'Wrongdoing' means committing either a willful violation of regulatory requirements through deliberate action or a violation resulting from careless disregard of regulatory requirements.
30. When Air Force employees, contractors, and/or military members are suspected of committing willful violations of NRC requirements, the NRC and the Air Force Office of Special Investigations shall coordinate to investigate the matter, as appropriate. An investigation conducted by the Air Force Office of Special Investigations does not preclude a concurrent investigation conducted by the NRC Office of Investigations until such time as prosecution determinations are made regarding the appropriate jurisdiction.
31. The NRC has the right to request the release of investigatory information, agency positions or witness statements which are in the care, custody, or control of the Air Force. However, the release of such investigatory information to the NRC, in whatever form it may exist, is expressly subject to internal Air Force confidentiality, handling and release restrictions.
32. The Air Force or the NRC, as appropriate, shall refer information regarding suspected criminal violations to the Department of Justice for prosecutorial consideration when doing so is consistent with the internal requirements of, respectively, the Air Force or the NRC as appropriate.
33. Regardless of any action taken by the NRC as to suspected criminal violations, the Air Force retains the authority to: 1) take appropriate disciplinary action against employees; 2) take appropriate action against contractors under the terms of the contract; 3) take appropriate action against military members under the Uniform Code of Military Justice.

## **DECOMMISSIONING**

34. The RIC will not issue a permit for suspected contamination sites, but once confirmed. If the site's contamination is subject to the *Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Department of Defense for Coordination on CERCLA Response Actions at DoD Sites With Radioactive Materials*, dated April 2016, (e.g. Ra-226) the RIC may permit the site for management but will not cite the MML as the authority to possess the material. These MOU sites may be the subject of possession-only, non-MML permits until remediation commences and/or concludes. These possession-only, non-MML permits will generally only be issued for a two-year period, but may be renewed continuously as needed. Newly identified contamination sites that are permitted under the MML or current MML permits that undergo decommissioning will follow the practices in accordance with item 32 below.
35. The RIC permit termination and decommissioning procedures will comply with applicable NRC rules, regulations, orders, procedures and guidance.
  - a. The RIC will complete permit termination and decommissioning for permittees categorized as Groups 1 and 2 facilities in accordance with the screening criteria in NUREG-1757, Volume 1, Revision 2, "Consolidated Decommissioning Guidance."
  - b. The RIC will submit all actions involving decommissioning for permittees categorized as Group 3 and above to the NRC Region IV Office for approval. In addition, the RIC will submit the Final Status Survey Report (FSSR) to the NRC Region IV Office for approval. The NRC will approve the decommissioning plan (DP) and FSSR by letter to the RIC. The NRC shall be responsible for complying with NEPA for Group 3 and above decommissioning actions.
  - c. The RIC will authorize the NRC approved DP and FSSR by permit condition.
  - d. To ensure compliance with 10 CFR 30.36, the RIC shall:
    - notify the NRC Region IV Office of all changes in operating status of permittees pursuant to the notification requirements in 10 CFR 30.36(d);
    - transmit all DPs to the NRC Region IV Office for approval;
    - transmit requests to extend time periods established in 10 CFR 30.36(d), in accordance with 10 CFR 30.36(f), to the NRC Region IV Office for approval;
    - transmit requests for alternative schedules for completion of decommissioning to the NRC Region IV Office for approval;
    - transmit requests for permit termination in accordance with 10 CFR 30.36(j) upon completion of decommissioning activities to NRC Region IV Office for approval, with the exception of Broad Scope permittees who retain the facility or land until such time as they release the facility or land from their ownership, as described in NUREG-1757, Volume 1, Revision 2, "Consolidated Decommissioning Guidance; and
    - retain permittee records showing the receipt, transfer, and disposal of byproduct material as well as records regarding permittee decommissioning activities until the MML is terminated.

- e. There may be cases wherein Agreement States have regulatory authority over decommissioning activities due to state exercise of plenary jurisdiction over the real property. In turn, the NRC will continue to exercise regulatory authority due to the decommissioning work being accomplished on AF MML permitted sites. The NRC will work with the respective Agreement States to ensure both the Federal and State's regulatory requirements are met without causing excessive delays or conflicting requirements in these dual regulation instances, if the NRC does not yield decommissioning sole regulatory authority to the State.

## **PROCEDURES**

36. The DAF RIC master materials license will reference two programmatic procedures for the implementation of the MML:
  - AFPD 40-2, *Radioactive Materials (Non-Nuclear Weapons)*
  - AFMAN 40-201, *Radioactive Materials (RAM) Management*
37. The RIC is authorized to make program changes and changes to procedures specifically identified in AFPD 40-2 and AFMAN 40-201, which were previously approved by the NRC and incorporated into the MML, without prior NRC approval, as long as:
  - a. the proposed revision is documented, reviewed, and approved by the RIC in accordance with established procedures prior to implementation;
  - b. the revised program is in accordance with applicable NRC regulatory requirements, and will not change any license conditions of the MML, and the RIC has determined that the change will not decrease the effectiveness of the RIC's radiation safety program;
  - c. the staff of the RIC and the permittee are trained in the revised procedures prior to implementation; and
  - d. the audit program of the RIC and the permittee evaluates the effectiveness of the change and its implementation.
38. The RIC's routine implementing procedures are identified as standard operating procedures (SOP) for the MML program and are not incorporated into the MML. Therefore, they may be revised without NRC approval.
39. The NRC and the Air Force will review this Letter of Understanding periodically. If changes are warranted, then the Air Force and NRC will seek to finalize such changes within 180 days of the review. This LOU may only be modified by the written agreement of the Parties, duly signed by their authorized representatives. This LOU takes effect beginning on the day after the last Party signs. This LOU expires upon termination of the MML. This LOU cancels and supersedes the previously signed LOU between the same parties' effective date of September 19, 2014.

## **FUNDING**

40. Nothing in this Letter of Understanding (LOU) shall be interpreted in a manner that would require the United States Air Force to either obligate or expend appropriated funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

**SIGNATORIES**

The undersigned represent and warrant that they have the necessary power and authority from their respective agencies to enter into this agreement on their agencies behalf and that each agency agrees to uphold their responsibilities as identified above as they pertain to DAF MML, NRC License Number 42-23539-01AF. The understandings identified above become effective on the last date show below and shall remain in effect from that date forward unless modified by written agreement of the parties.

United States Nuclear Regulatory  
Commission

United States Department of the Air  
Force

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By:  
Nuclear Materials Safety Branch B  
Division of Nuclear Materials  
Region IV

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By:  
Chair, Radioisotope Committee

Dated:

Dated:



**From:** [Neil O'Keefe](#)  
**To:** [Casey Alldredge](#)  
**Cc:** [Allyce Bolger \(She/Her\)](#); [Jason Dykert](#); [Carol Hill](#)  
**Subject:** AF MML LOU Action  
**Date:** Wednesday, December 14, 2022 10:21:34 AM  
**Attachments:** [AF MML Letter Requesting LOU Update 11-30-2022.pdf](#)  
[AF LOU initial clean draft with AF proposed changes.docx](#)  
**Importance:** High

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Casey,

Please enter the attached documents we received from the AF MML requesting to update the Letter of Understanding into ADAMS. Feel free to adjust the document titles

Please work with Carol to get it entered WBL. NUREG 1556 Vol 10 says we need to treat this as a license amendment. Use the date on the letter as the start date.

In discussions with the MML folks today, it was decided that the following team will review the LOU and the proposed changes as well as proposing changes the NRC thinks should be made starting after the holidays. This will be an iterative process that may go back and forth a few times with the AF until we agree on changes, then will require an RC/OGC review. The LOU will need to be signed and issued as a document in ADAMS, and the license will need to be amended to specify the new document is now in effect.

So I think the actual license amendment work will be rather limited, and the bulk of the work will be with the team rather than on your shoulders. You are not responsible for the actual LOU.

The team will be:

Shirley Xu, NMSS  
Allyce Bolger, RIV  
Orysia Masnyk Bailey, RI  
Bryan Parker, RIII

Please send me the ML #s when you get these docs into ADAMS.

Thanks,

***Neil O'Keefe***

Chief, Materials Licensing Branch  
NRC Region IV  
(817) 200-1156 (o)  
(817) 917-5646 ( c )



**ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE**

<b>Name and Address of Applicant and/or Licensee</b>  Lt Col Christina Peace Chief, Radioisotope Committee Secretariat The Department of the Air Force Air Force Medical Readiness Agency (AFMRA) ATTN: AFMRA/SG3PB (Radiation Health) 7700 Arlington Blvd, STE 5151 Falls Church, VA 22042-5151	<b>Date</b> 12/15/2022
	<b>License Number(s)</b> 42-23539-01AF
	<b>Mail Control Number(s)</b> 633828
	<b>Licensing and/or Technical Reviewer or Branch</b> C. Hill

**This is to acknowledge receipt of your:**  Letter and/or  Application **Dated:** 11/30/2022

**The initial processing, which included an administrative review, has been performed.**

Amendment  Termination  New License  Renewal

There were no administrative omissions identified during our initial review.

This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>  
Follow the instructions on the form for submission.

The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

**Region IV**  
**U. S. Nuclear Regulatory Commission**  
**DNMS/NMSB - B**  
**1600 E. Lamar Boulevard**  
**Arlington, TX 76011-4511**  
**(817) 200-1103 or (817) 200-1140**

BETWEEN:

Accounts Receivable/Payable  
and  
Regional Licensing Branches

[ FOR ARPB USE ]  
INFORMATION FROM WBL

Program Code: 03614  
Status Code: Pending Amendment  
Fee Category: 17  
Exp. Date: 12/31/3000  
Fee Comments:  
Decom Fin Assur Req: Y

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## License Fee Worksheet - License Fee Transmittal

### A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: The Department of the Air Force  
Received Date: 12/14/2022  
Docket Number: 3028641  
Mail Control Number: 633828  
License Number: 42-23539-01AF  
Action Type: Amendment

2. FEE ATTACHED

Amount: N/A

Check No.: N/A

3. COMMENTS

Signed: Carol L Hill

Date: 12/15/2022

**B. LICENSE FEE MANAGEMENT BRANCH** (Check when milestone 03 is entered / / )

1. Fee Category and Amount: \_\_\_\_\_

2. Correct Fee Paid. Application may be processed for:

Amendment: \_\_\_\_\_

Renewal: \_\_\_\_\_

License: \_\_\_\_\_

3. OTHER \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Agency: NRC

WBL WORKSHEET

DOCKET NUMBER: 3028641 LICENSE NUMBER: 42-23539-01AF STATUS: Pending Amendment

MAIL CONTROL NUMBER: 633828 RECEIPT DATE: 12/14/2022 ACTION TYPE: Amendment

DUE DATE: 03/14/2023 INST. CODE: 23539 LICENSE REGION: Region 4

LICENSE TYPE: 30 ENTITY TYPE: G LICENSE GROUP: Academic

ISSUE DATE: ORIGINAL DATE: 06/26/1985 EXPIRATION DATE: 12/31/3000

DECOMMISSIONING CATEGORY: Group 7 LAST ISSUE DATE:

LICENSEE NAME: The Department of the Air Force DECOM FIN ASSUR REQD: Y  
SUBM: Y

MAILING ADDRESS LINE1: 7700 Arlington Blvd, STE 5151 CONT PLAN REQD: N APPRV: N

MAILING ADDRESS LINE 2: ATTN: AFMRA/SG3PB (Radiation Health)

CITY: Falls Church STATE: VA ZIP: 22042-5151

CONTACT PERSON: PREFIX: Lt Col FIRST NAME: Christina MIDDLE INITIAL:

LAST NAME: Peace SUFFIX:

JOB TITLE: Chief, Radioisotope Committee PHONE: 703-681-7876 FAX: 703-681-6066 EMAIL: christina.peace.mil@he

BILLING ADDRESS LINE 1:

BILLING ADDRESS LINE 2:

CITY: STATE: Virginia ZIP:

BILLING CONTACT PERSON: FIRST NAME: MIDDLE INITIAL: LAST NAME:

PHONE: EMAIL: FAX:

PRIMARY PGM CODE: 03614 SECONDARY PGM CODE:

INSPECTION REGION: Region 4 PRIORITY: 2

RSO: PREFIX: Lt Col FIRST NAME: Christina MIDDLE INITIAL: LAST NAME: Peace

SUFFIX: RSO JOB TITLE: Chief, Radioisotope Committee Secretariat

RSO PHONE: 703-681-7876 RSO FAX: 703-681-6066 RSO EMAIL: christina.peace.mil@health.mil

STATES WHERE USE IS AUTHORIZED: 2  
0- ALL LISTED STATES  
1- SAME AS STATE IN ADDRESS  
2- ALL STATES  
3- NON-AGREEMENT-STATES

AUTHORIZED STATES (USE ONLY IF ABOVE IS ZERO):