

June 18, 2009

Mr. Stacey K. Hirata, P.E.  
Acting Chief, Environmental Community  
of Practice  
Directorate of Military Programs  
ATTN: CEMP-CE  
U.S. Army Corps of Engineers  
441 G Street, NW  
Washington, DC 20314-1000

SUBJECT: REQUEST TO SUSPEND U.S. NUCLEAR REGULATORY COMMISSION  
LICENSE NO.: SNM-2001, FOR THE BABCOCK & WILCOX TECHNOLOGIES  
(BWXT) - SHALLOW LAND DISPOSAL AREA (SLDA), PARKS TOWNSHIP,  
PENNSYLVANIA

Dear Mr. Hirata:

I am responding to your letter dated May 14, 2009, requesting the suspension of U.S. Nuclear Regulatory Commission (NRC) License No. SNM-2001 for the Shallow Land Disposal Area (SLDA) located in Parks Township, Armstrong County, Pennsylvania. Your letter informed the NRC that the U.S. Army Corps of Engineers (USACE) anticipates taking control of the SLDA site in September 2009, for the purpose of conducting a response action under the Formerly Utilized Sites Remedial Action Program (FUSRAP) and Comprehensive Environmental Response Compensation and Liability Act (CERCLA) authorities that will meet the decommissioning requirements of Title 10 Code of Federal Regulations (CFR) Part 20.1402 "Radiological Criteria for Unrestricted Use." Your letter constitutes fulfillment of the requirements of Article III.A., of the Memorandum of Understanding (MOU) between USACE and NRC (66 FR 366606; July 12, 2001).

Based on your letter, NRC staff will initiate the process for suspension of the SLDA License. It is our understanding that USACE expects to encounter certain amounts of special nuclear material during remediation that will require meeting additional NRC requirements. Please note that the 2001 MOU only addresses 10 CFR Part 20 requirements regarding license termination and protection of public health and safety it does not address requirements such as physical protection, nuclear material control and accountability, and criticality that may be relevant for handling certain amounts of special nuclear material during remediation. It is our expectation that USACE will meet all relevant requirements set forth in 10 CFR Part 70 "Domestic Licensing of Special Nuclear Material", Part 73 "Physical Protection of Plants and Materials" and Part 74 "Material Control and Accounting of Special Nuclear Material." These requirements must be fully addressed in order for NRC to execute the license suspension.

Please note that on June 4, 2009, the NRC received the Final Work Plan dated May 2009 detailing the selected remedial strategy for the SLDA, i.e, FUSRAP cleanup activities in accordance with the August 2007 Record of Decision. In addition, during our inter-agency meeting on June 9, 2009, the NRC was informed that USACE will be submitting additional substantive documents, such as the Final Site Status Survey and a Contingency Plan for CAT I special nuclear material to NRC for review. Although the NRC will make every effort to review the Final Work Plan in a timely manner, submittal of these additional documents is crucial for the completeness of our technical review. Thus, it is unlikely that the Confirmatory Order suspending the license will be in place by September 2009, the proposed date for the USACE to take control of the SLDA site. In the interim, we will continue to work with your technical team in reviewing the Final Work Plan to ensure it meets all relevant requirements for handling special nuclear material during remediation.

If you have any questions, please contact Ms. Yolande Norman at (301) 415-7741, or via e-mail at [yolande.norman@nrc.gov](mailto:yolande.norman@nrc.gov). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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 Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

**/RA/**

Keith I. McConnell, Deputy Director  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 070-03085  
License No.: SNM-2001

cc: SLDA Dist. List

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Sincerely,

**/RA/**

Keith I. McConnell, Deputy Director  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 070-03085  
License No.: SNM-2001

cc: SLDA Dist. List

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