

April 8, 2003

Dr. John M. Ferriter, Director  
Operations, Remediation and Restoration  
U.S. Army Soldier and Biological Chemical Command  
AMSSB-RCB-RS  
5183 Black Hawk Road  
Aberdeen Proving Ground, MD 21010-5423

SUBJECT: STATUS OF JEFFERSON PROVING GROUND DECOMMISSIONING

Dear Dr. Ferriter:

In a letter dated February 4, 2003, the U.S. Army made a contingent request for an alternate schedule for submittal of a Decommissioning Plan (DP) for the termination of the Jefferson Proving Ground (JPG) license SUB-1435. The letter states that the unexploded ordnance (UXO) on site is a safety hazard. Therefore, the Army would not be able to provide site-specific data if required by the Nuclear Regulatory Commission (NRC) during the technical review of the current DP. The Army proposes a license amendment for SUB-1435 that would create a 5-year renewable possession-only license for an indefinite time period. If NRC were to grant the license amendment, the Army would then formally withdraw its DP since it no longer would be performing decommissioning.

From the initial limited technical review of the DP, the staff has determined that the off-site transport models will need to be validated before NRC could consider approval to terminate the Army's license and cease environmental monitoring. The Army has stated that many of the parameters used for modeling were determined from literature values of these parameters, not from actual field measurements. To validate the off-site transport models, site-specific data are needed. However, the Army notes that the collection of this data could result in an imminent personnel safety hazard because of the presence of UXO. The inability to validate the models severely limits the staff's options regarding approval of the DP.

The staff has considered the proposal in the February 4, 2003, letter. The staff has concluded that under the unique circumstances of this case, where the collection of data to complete the DP in itself could create personnel safety hazards, and the licensee—a federal agency—is a stable and durable entity that can provide access controls and monitoring in accordance with NRC's requirements, extending the requirement to submit a DP until the necessary data can be safely collected and models validated could be approved under 10 CFR 40.42(g)(2) as it presents no undue risk from radiation to the public health and safety and is otherwise in the public interest. With a possession-only license, the Army will continue to conduct environmental monitoring as part of its radiation protection program. The collection of environmental monitoring data will ensure that no depleted uranium (DU) is migrating off-site.

Accordingly, NRC will consider amending the existing license for JPG to continue as a possession-only license and delaying further development of the DP until validated models can be established, provided the following are addressed as license conditions for a possession-only license: 1) criteria for levels of DU in the environmental media sampled under the radiation protection program, and a monitoring program with an action plan if the levels were exceeded; 2)

a 5-year renewal requirement; and 3) continued access restrictions to the DU impact area. The proposed license amendment should give details about sampling frequency, type, and location of monitoring wells.

Under this approach, decommissioning will not be pursued until site-specific data needed for input into the off-site transport models can be collected without undue risk to the health and safety of the public, including the Army's employees and contractors. Advances in UXO cleanup technology might allow for decommissioning in the future, although the time frame is uncertain. Nevertheless, it is recognized that it is not clear at this time when the data can be safely collected. Given the 5-year renewal period, the staff will be in a position to periodically revisit the need to continue the delay in completing the DP. Additionally, NRC inspections will continue to be conducted by the region.

We would like to hold a meeting at NRC headquarters which would be open to observation by interested individuals to further discuss the specific details of a license amendment. Please contact Tom McLaughlin, of my staff, at (301) 415-5869 to arrange the meeting. Following this meeting and submission of a formal amendment request, NRC intends to hold public meetings in the counties near the JPG site before acting on the amendment.

Sincerely,

**/RA/**

Daniel M. Gillen, Chief  
Decommissioning Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

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