

ACCEPTANCE REVIEW MEMO (ARM)

Licensee: Dept of Interior (BIA)
Albuquerque, NM

License No.: 30-15065-01

Docket No.: 030-08519

Mail Control No.: 471165

Type of Action: Amend

Date of Requested Action: 10-13-06

**Reviewer
Assigned:**

ARM reviewer(s): Torres

Response	Deficiencies Noted During Acceptance Review
	<ul style="list-style-type: none">[] Open ended possession limits. Limit possession. Submit inventory.[] Submit copies of most recent leak test results.[] Add - delete IC license condition. Add IC paragraph in cover letter.[] Split license from cover letter. Add SUNSI marking to license.[] Ask the licensee if they have any type-amount of EPAct Material.

Reviewer's Initials: ASTC

Date: _____

- ☐ Yes ☐ No Unrestricted release Group 2 or >: Transfer memo to FCDB within 10 days.
- ☐ Yes ☐ No Decommissioning notification should be completed within 30 days.
- ☐ Yes ☐ No Termination request < 90 days from date of expiration
- ☐ Yes ☐ No Expedite (medical emergency, no RSO, location of use/storage not on license, RAM in possession not on license, other)
- ☐ Yes ☐ No TAR needed to complete action.

Branch Chief's and/or Sr. HP's Initials: _____

Date: _____

SUNSI Screening according to RIS 2005-31

☐ Yes ☒ No **Non-Publicly Available, Sensitive** if any item below is checked

General guidance:

- _____ RAM = or > than Category 3 (Table 1, RIS 2005-31), use Unity Rule
- _____ Exact location of RAM (whether = or > than Category 3 or not)
- _____ Design of structure and/or equipment (site specific)
- _____ Information on nearby facilities
- _____ Detailed design drawings and/or performance information
- _____ Emergency planning and/or fire protection systems

Specific guidance for medical, industrial and academic (above Category 3):

- _____ RAM quantities and inventory
- _____ Manufacturer's name and model number of sealed sources & devices
- _____ Site drawings with exact location of RAM, description of facility
- _____ RAM security program information (locks, alarms, etc.)
- _____ Emergency Plan specifics (routes to/from RAM, response to security events)
- _____ Vulnerability/security assessment/accident-safety analysis/risk assess
- _____ Mailing lists related to security response

Branch Chief's and/or Sr. HP's Initials: ASTC

Date: 10/30/06

Pre-Licensing Screening

Applicant Information:

Control No. 471165

Name: Dept of Interior (BIA) Albuquerque, NM	Type of Request: Amend Program Code(s):
Location: NM	License No.: 30-15065-01 Docket No.: 030-08519

STEP 1—Radioactive Materials and Quantities Requested:

Instructions for Step 1: Complete Step 1 for all applications. If all your responses in Step 1 are "No" then do not complete Step 2 (Screening Criteria). Sign and date the completed step-sheet and add it as the sensitive and non-publicly available OAR in ADAMS. If a "yes" response is indicated for any item in Step 1, also complete Step 2. If the type of use is subject to a Security Order or the requirements for increased controls, complete Step 3 (Item A or Item B) without delay.	Yes or No
A. The request is from a new applicant.	No
B. NUREG-1556, Volume 20, Section 4.9 indicates a licensing site visit is needed for the requested type of use, e.g., (1) Type A broad scope license, (2) panoramic irradiator containing > 10000 curies, (3) manufacturers or distributors using unsealed radioactive material or significant quantities of sealed material, (4) radioactive waste brokers, (5) radioactive waste incinerators, (6) commercial nuclear laundries, and (7) any other application that in the judgement of the reviewer and cognizant supervisor involves complex technical issues, complex safety questions, or unprecedented issues that warrant a site visit.	No
C. The applicant requested certain radionuclides and quantities that equal or exceed the Risk Significant Quantity (TBq) values in the table, below, that have been "highlighted" by the reviewer	No

Table of Risk Significant Quantities

(Category 2 Quantities, IAEA Safety Guide No. RS-G-1.9, Categorization of Radioactive Sources, August 2005)

Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)	Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)
Am-241	0.6	16	Pm-147	400	11,000
Am-241/Be	0.6	16	Pu-238	0.6	16
Cf-252	0.2	5.4	Pu-239/Be	0.6	16
Cm-244	0.5	14	Ra-226 ²	0.4	11
Co-60	0.3	8.1	Se-75	2	54
Cs-137	1	27	Sr-90 (Y-90)	10	270
Gd-153	10	270	Tm-170	200	5,400
Ir-192	0.8	22	Yb-169	3	81

¹ The primary values are TBq. The curie (Ci) values are for informational purposes only.

² The Atomic Energy Act, as amended by the Energy Policy Act of 2005, authorizes NRC to regulate Ra-226 and NRC is in the process of amending its regulations for discrete sources of Ra-226.

Calculations of the Total Activity or the Unity Rule are attached to document whether or not the screening criteria in Step 2 were also completed to evaluate the application. NOTE—If an amendment of an existing license is being requested, the calculations will include the previously authorized quantities for the radionuclide(s).	Yes, No, or Not Applicable (NA)
Total Activity—multiple activities are requested for a single radionuclide and the sum of the activities equals or exceeds the quantity of concern for the radionuclide	—
Unity Rule—multiple radionuclides are requested and the sum of the ratios equals or exceeds unity, e.g., [(total activity for radionuclide A) ÷ (risk significant quantity for radionuclide A)] + [(total activity for radionuclide B) ÷ (risk significant quantity for radionuclide B)] ≥ 1.0.	—

Signature and Date for Step 1:

RTE 10/30/06

License Reviewer and Date



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION
P.O. BOX 26567
Albuquerque, New Mexico 87125-6567

IN REPLY REFER TO:
370-Division of Transportation

OCT 13 2006

RECEIVED
OCT 23 2006
DNMS

RTW
Jacqueline D. Cook, Senior Health Physicist
Nuclear Materials Licensing Branch
Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Dear Ms. Cook:

The Southwest Regional Office, Division of Transportation, is requesting an amendment to Nuclear Regulatory Commission (NRC) License Number 30-15065-01.

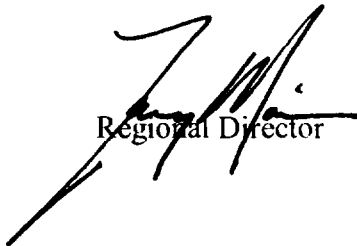
The following changes are made to the enclosed Amendment No. 21, Materials License:

Item No. 10 B. Laguna Agency no longer stores a nuclear gauge.

Enclosed is a copy of the swipe test conducted on July 3, 2006.


If you have any questions, please call contact Angela Arviso, Radiation Safety Officer at (505) 563-3433.

Sincerely,


Regional Director

Enclosures

B 471165

 Albuquerque Lab 7021 Pan American Fwy NE Albuquerque, NM 87109 (505) 345-3461 www.eberlineservices.com		Report To:				Work Order Details:								
		Mr. DENNIS FELIPE				SDG:				06-07005				
		BIA LAGUNA AGENCY				Purchase Order:				Environmental				
		P.O. BOX 1448				Analysis Category:				ENVIRONMENTAL				
		LAGUNA, NM 87026				Sample Matrix:				SM				
Lab ID	Sample Type *	Client ID	Sample Date	Receipt Date	Analysis Date	Batch ID	Analyte	Method	Result	CU*	TPU*	MDC*	Report Units	RDL
06-07005-04	TRG	BIA# MOO222880	07/03/06 09:05	7/5/2006	8/25/2006	06-07005	GROSS ALPHA	EPA 900.0 Modified	<5.00E-03	6.32E-08	6.33E-08	1.04E-07	uCi/s	5.00E-03
06-07005-04	TRG	BIA# MOO222880	07/03/06 09:05	7/5/2006	8/25/2006	06-07005	GROSS BETA	EPA 900.0 Modified	<5.00E-03	2.24E-07	2.25E-07	3.34E-07	uCi/s	5.00E-03
06-07005-05	TRG	BIA# MOO224944	07/03/06 09:00	7/5/2006	8/25/2006	06-07005	GROSS ALPHA	EPA 900.0 Modified	<5.00E-03	5.48E-08	5.48E-08	1.09E-07	uCi/s	5.00E-03
06-07005-05	TRG	BIA# MOO224944	07/03/06 09:00	7/5/2006	8/25/2006	06-07005	GROSS BETA	EPA 900.0 Modified	<5.00E-03	2.84E-07	2.84E-07	4.44E-07	uCi/s	5.00E-03

Abbreviations

LCS=Laboratory Control Sample; MBL=Blank; DUP=Duplicate; TRG=Normal Sample; DO=Duplicate Original; MS=Matrix Spike; MSO=Matrix Spike Original; MSD=MS Duplicate; DMSO = Dup MS Orig; LCSD=LCS Dup; CU=Counting Uncertainty; TPU=Total Propagation of Uncertainty; MDC=Minimum Detectable Concentration, RDL=Required Detection Limit

Karen S. Schoendaller, Laboratory Manager

Approved by:



Date:

8/29/06

RECEIVED
SEP 05 2006
SOUTHWEST REGIONAL
BRANCH OF ROADS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

RECEIVED

JUN 27 2006

SOUTHWEST REGIONAL
BRANCH OF ROADS

June 21, 2006

Department of the Interior
Bureau of Indian Affairs
Southwest Regional Office
ATTN: Angela Arviso
Radiation Safety Officer
P.O. Box 26567
Albuquerque, NM 87125-6567

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 21 to NRC License No. 30-15065-01, **authorizing the release of the location of use at Zuni Agency for unrestricted use in accordance with 10 CFR 20.1402 based on the leak test result provided in letter dated April 5, 2006.**

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(viii). You should review this license carefully and be sure that you understand all conditions. If you have any questions, you may contact me at 817-860-8189.

Please note that 10 CFR 30.34, Terms and conditions of licenses, was revised to enhance the security requirements for portable gauges containing byproduct material. This revision became effective July 11, 2005. Revised 10 CFR 30.34 now requires that "each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee" (i.e., when not in use). Guidance on these security procedures is provided in the errata sheet for Appendix H of NUREG-1556, Volume 1, revision 1 which can be found in the following link: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>.

Also note that conditions 8.A. and 8.B. were modified to reflect a possession limit for Cesium-137 and Americium-241 to quantities below the International Atomic Energy Agency's Category 3 amounts of radioactive material. Possession of radioactive material in quantities below the Category 3 thresholds indicates that the license can be made publicly available after issuance since it does not meet the Sensitive Unclassified Non-Safeguards Information criteria as described in NRC's Regulatory Issue Summary 2005-31 (<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>).

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area; or
 - b. If you decide not to acquire or possess and use authorized material; or
 - c. When no principal activities under the license have been conducted for a period of 24 months.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
 - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment or renewal of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy.

Department of the Interior
Bureau of Indian Affairs
Southwest Regional Office


-3-

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements due to budget constraints. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room"; choose "All Document Types" on the drop down menu; scroll down to "NUREG-Series Publications"; and select "Publications Prepared by the NRC Staff". Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Roberto J. Torres", with a long horizontal flourish extending to the right.

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-08519
License: 30-15065-01
Control: 470955

Enclosure: As stated

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee		In accordance with letter dated April 5, 2006
1. Department of the Interior Bureau of Indian Affairs Southwest Regional Office		3. License number 30-15065-01 is amended in its entirety to read as follows:
2. P.O. Box 26567 Albuquerque, New Mexico 87125-6567		4. Expiration date January 31, 2015
		5. Docket No. 030-08519 Reference No.
6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Cesium-137	A. Sealed sources (AEA Technology/QSA, Inc., Model No. CDCW556; Isotope Product Laboratories Model No. HEG-137)	A. 1,000 millicurie total. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State.
B. Americium-241	B. Sealed neutron sources (AEA Technology/QSA, Inc., Model No. AMNV 997; Isotope Product Laboratories Model Nos. Am1.ND2, 3021 or 3027)	B. 1,000 millicurie total. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State.
9. Authorized use:		
A. and B. Sealed sources to be used in Troxler Electronic Laboratories, Inc., Model No. 3400 series portable gauging devices for measuring physical properties of materials according to its corresponding sealed source and device registration authorization.		

CONDITIONS

10. Licensed material may be used or stored at the licensee's facilities located at:
- A. Southwest Regional Office, 1001 Indian School Road, NW, Albuquerque, New Mexico.
 - B. Laguna Agency, 45 miles West of Albuquerque, New Mexico in Laguna, New Mexico.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

30-15065-01

Docket or Reference Number

030-08519

Amendment No. 21

- C. Northern Pueblos Agency, 16 miles South of the agency in Espanola, New Mexico at the warehouse at Nambe Pueblo, Cuyamungue, New Mexico.
- D. Southern Pueblos Agency, 1881 8th Street NW, Building 49, Albuquerque, New Mexico.
- E. Temporary job sites of the licensee anywhere in the United States.
11. Licensed material shall only be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated August 11, 2004.
12. A. The Radiation Safety Officer (RSO) for this license is Angela Arviso.
- B. Before assuming the duties and responsibilities as RSO for this license, future RSOs shall have successfully completed one of the training courses described in Criteria in Section 8.7 of NUREG-1556, Volume 1, Revision 1, dated November 2001.
13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
30-15065-01Docket or Reference Number
030-08519

Amendment No. 21

- F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.
15. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.
16. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from the U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Registration Certificates issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
17. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.
18. Any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
19. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
20. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedures to ensure that the cased hole is free of obstruction before making measurements.
- B. If a sealed source or probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the U.S. Nuclear Regulatory Commission and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

30-15065-01

Docket or Reference Number

030-08519

Amendment No. 21

21. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

A. Application dated August 11, 2004



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: June 21, 2006By: 

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011

OCT 31 2006

DATE

This is to acknowledge the receipt of your letter/application dated 10-13-06, and to inform you that the initial processing, which includes an administrative review, has been performed.

☒ There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

☐ Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within 90 days.

☐ A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 471165.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,

Colleen Murnahan

Licensing Assistant

:
 : (FOR LEMS USE)
 : INFORMATION FROM LTS
 : -----

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.....
Program Code: 03121
Status Code: 0
Fee Category: 3P
Exp. Date: 20150131
Fee Comments: V
Decom Fin Assur Req'd: N
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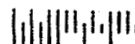
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Bureau of Indian Affairs
Southwest Regional Office
Division of Transportation
P.O. Box 26567 MC: 370
Albuquerque, NM 87125-6567

Jacqueline D. Cook
Nuclear Materials Licensing Branch
NRC Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064



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gional Office
ransportation
67 MC: 370
NM 87125-6567

Jacqueline D. Cook
Nuclear Materials Licensing Branch
NRC Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064