



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

January 7, 2008

TransCanada
ATTN: Salvatore J. Delisi
Radiation Safety Officer
15170 Commerce Drive North
Dearborn, MI 48120

SUBJECT: NEW LICENSE - **CORRECTED COPY**

Please find enclosed corrected copy to License No. 21-29258-01 **changing the expiration date to October 31, 2009, and deleting License Condition 20**. 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 for correctness and completeness. If you have any questions, you may contact me at 817-860-8132.

The NRC has specific requirements as specified in 10 CFR 30.36 for decommissioning facilities and partial release of facilities or sites and for terminating licenses. The information outlined below may be helpful in understanding these requirements. NUREG-1575, "Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)" can be found at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1575/>. MARSSIM provides detailed guidance for planning and performing radiation surveys conducted to demonstrate compliance with the radiological criteria for license termination (Subpart E of 10 CFR Part 20). In addition, the agency has issued NUREG-1757, "Consolidated NMSS Decommissioning Guidance," which is available on the NRC website at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/>. NUREG-1757, Volume 1 supersedes most of the NUREG/BR-0241, "NMSS Handbook for Decommissioning Fuel Cycle and Materials Facilities" and updates numerous portions of NUREG-1727, "NMSS Decommissioning Standard Review Plan."

Licensees identified as Group 1 in NUREG-1757, Volume 1, used only sealed sources, and the most recent leak tests demonstrate that the sources did not leak while in the licensee's possession (i.e., if leak test results have been $<0.005 \mu\text{Ci}$); or used relatively short-lived radioactive material (i.e., $T_{1/2} \leq 120$ days) in an unsealed form and the maximum activity authorized under the license has decayed to less than the quantity specified in 10 CFR Part 20, Appendix C should:

1. Demonstrate to NRC that the sources never leaked, both while in your custody and upon arrival at the ultimate destination (i.e., by leak test records) or that the maximum activity of radioactive material authorized under your license has decayed to less than the quantity specified in 10 CFR Part 20, Appendix C;
2. Dispose of or transfer the licensed material in accordance with NRC requirements and document it on NRC Form 314, "Certificate of Disposition of Materials", which is available at <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc314.pdf>.

Written confirmation from the recipient listed on NRC Form 314 that the materials has been transferred to them should be attached to the Form 314, as shown in Appendix A of NUREG-1757, Volume 1;

3. Transfer the records discussed in 10 CFR Parts 30.35, 30.36, and 30.51 to the NRC Region IV office, as appropriate, or affirm that they are not required to retain or transfer these records;
4. Submit final status survey results performed in accordance with 10 CFR 30.36, which demonstrate that residual levels of radiological contamination are less than the decommissioning screening criteria.

If you meet any of the following conditions, you will be required to submit a Decommissioning Plan to NRC for review and approval prior to commencing decommissioning operations:

1. Although you could meet the screening criteria and have prerequisite expertise, equipment and facilities to remediate your facilities; however, you have not incorporated remediation procedures into your license. A license amendment is necessary to authorize the activities for decommissioning, and as such, you will need to submit a Decommissioning Plan.
2. Your facility has residual radiological contamination present in building surfaces and soils, but you can not meet, or choose not to use screening criteria, and the ground water is not contaminated. A site Decommissioning Plan is required and must characterize the location and extent of radiological contamination, land use, exposure pathways and critical group for the dose analysis.
3. Your facility has residual radiological contamination present in building surfaces and soils, and the ground water. You are able to demonstrate that residual radioactive material may remain at the site but within levels specified in NRC criteria for unrestricted use by applying site-specific criteria in a comprehensive dose analysis. A site Decommissioning Plan is required and must characterize the location and extent of radiological contamination, land use, exposure pathways and critical group for the dose analysis.

10 CFR 30.36(g)(1) describes several cases when submission of a Decommissioning Plan is required, such as when:

- Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
- Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
- Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

- **Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.**

Please note that TransCanada may request abandonment “in-place” on the sea floor. Please note that this abandonment “in-place” proposal must be approved by the NRC under the provisions of 10 CFR 20.2002 as an “Alternate Disposal Method.”

Additionally, please note that you have 60 days of the occurrence of any of the following as specified in 10 CFR 30.36(d)(2)-(3).

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. The NRC Enforcement Policy is available on the following internet address:
<http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. 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 Collections" on the drop down menu; choose "NUREGS (NRC Reports)" 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,

/RA/

Jacqueline D. Cook, Senior Health Physicist
Nuclear Materials Safety Branch B

Docket: 030-37442
License: 21-29258-01
Control: 471429

Enclosures:

1. NRC License No. 21-29258-01
2. Information That Should Be Submitted
to NRC Staff for Decommissioning &
Termination of Licensed Facilities
3. Survey Information to Support
License Termination

INFORMATION THAT SHOULD BE SUBMITTED
TO THE NRC STAFF FOR DECOMMISSIONING
AND TERMINATION OF LICENSED FACILITIES

The following information is needed from licensees who request authorization from the NRC for the release of a room, building or outdoor area for unrestricted use:

- 1) A list of the radiological isotopes that were actually used at the site. To the extent possible (and reasonable), the quantities and dates of use of these isotopes should also be provided.
- 2) The physical form of each isotope, i.e., was it a sealed source or was the isotope used in a loose form.
- 3) Information regarding major radiological spills of any licensed isotopes such as the location of the spill(s) and pertinent radiological information about the spill(s). (Major spills for the purpose of this document means a spill that resulted in off-site contamination or any other spill where more than minimal decontamination effort is required, e.g., spills requiring assistance in cleanup and monitoring from persons other than the user.)
- 4) Information on any leaking sealed source used or stored at the site being released, including isotope, amount of leakage, contamination of other areas or personnel, description of cleanup, and disposition of the source. If no sources were determined to be leaking at the facility, the licensee should state this fact.
- 5) The results of the licensee's final surveys as required by 10 CFR Parts 30.35(j)(2), 40.42(j)(2), 70.38(j)(2), and 72.54(l)(2). This includes submitting data in the following units: gamma radiation in units of mSv/hr (μ R/hr) at one meter from surfaces, radioactivity in units of MBq/100cm² (dpm/100cm²) (removable and fixed) for surfaces, MBq/ml (mCi/ml) for water, and Bq/g (pCi/g) for soils and concrete.
- 6) The survey instrumentation used for the final survey along with the certification that each instrument has been properly calibrated and tested and the minimum detectable activity (MDA) for each instrument. This information is needed for instruments used for measuring exposure rates and for those used for analysis of wipes, soil and water samples, etc.
- 7) Maps and/or drawings which clearly indicate the locations where wipes and fixed measurements were taken. If contaminated drain lines (or other buried and inaccessible pipes) are an issue, blueprints or drawings should be included that show the locations of the drain lines, including where they originate and end.
- 8) If other than minimal contamination efforts are necessary, both the before and after decontamination survey data should be provided as part of the final survey report, including the locations of these areas.
- 9) The release criteria used as a basis for demonstrating the site can be released for unrestricted use.

- 10) If the licensee intends to leave certain portions of the site contaminated in excess of the release guidelines, a risk assessment of the potential dose consequences.
- 11) The disposition of radioactive waste resulting from any remediation efforts. Under normal circumstances the NRC will not conduct a closeout or confirmatory inspection until all waste (and other licensed materials/sources) have been removed from the site. If these materials have not been removed prior to the licensee's submittal of the final survey data, then these areas will have to be surveyed following removal of the waste and the data submitted and reviewed before an onsite inspection and/or license termination.

SURVEY INFORMATION TO SUPPORT LICENSE TERMINATION

In performing the decommissioning of its facility the licensee should first identify any areas in the facility that were involved in licensed material use by reviewing facility records and conducting a survey of the licensed material use area. This survey should be similar to the routine contamination surveys conducted under the licensee's radiological safety plan. The licensee should then remediate all surfaces in the areas at the facility that were involved in licensed material use or storage and dispose of all radioactive material and waste as discussed in the NRC regulations at 10 CFR 20 Subpart K.

If the licensee elects to demonstrate that its facility is suitable for unrestricted use by conducting a Final Status Survey, the licensee should design the survey so as to be of sufficient scope and quality to make this demonstration. In preparing for the Final Status Survey, the licensee should establish a method to identify individual measurement/sampling points, such as establishing reference grids on each surface in the indoor area that was involved in licensed material. At a minimum, the licensee's termination survey should consist of:

- 1) 100% scanning of all surfaces in the area at the facility where licensed material was used or stored using an appropriate radiation detection instrument (including scan sensitivity);
- 2) evaluations for total and removable radioactive material at each area exhibiting elevated radiation levels or at a frequency of one wipe comprising 100 cm² per grid; and
- 3) evaluations of radiation levels at one meter above surfaces.

Particular attention should be afforded any drains, air vents or other fixtures or equipment that may have become contaminated during licensed material use. This is especially significant in situations where renovations have occurred and potentially contaminated areas may be inaccessible under current conditions.

The information that should be submitted to the NRC to support the final status survey should consist of:

- 1) a brief description of the remediation activities undertaken by the licensee;
- 2) a detailed drawing of the licensed material use areas indicating the sampling locations;
- 3) a table showing the results of the radiation levels and removable contamination surveys keyed to the detailed drawing (organized by survey unit);

- 4) the training and qualifications of the individual(s) performing the decontamination and surveys; and
- 5) a description of the type of equipment used by the licensee to evaluate the wipes and perform the surveys. This description should include all information required to determine the appropriateness of the equipment for determining the radiological status of the facility such as last calibration date, type of radiations detected, sensitivity of detection, efficiency, etc.

MATERIALS LICENSE

CORRECTED COPY

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		
1. TransCanada		3. License number 21-29258-01
2. 15170 Commerce Drive North Dearborn, Michigan 48120		4. Expiration date October 31, 2009
		5. Docket No. 030-37442 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 (Nuclear Research Corporation Model S-6)	A. 200 millicuries total. No single source to exceed 100 millicuries.
9. Authorized use		
A. For storage in Canberra Industries, Inc. Model SH-302 gauges modified for underwater usage.		

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CONDITIONS
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- 10. Licensed material shall be stored at the licensee's underwater locations in the Gulf of Mexico (described in application dated March 21, 2007) where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.
- 11. A. The Radiation Safety Officer (RSO) for this license is Salvatore J. Delisi.
B. Before assuming the duties and responsibilities as RSO for this license, the individual shall have successfully completed one of the training courses described in Criteria in Section 8.7.1 of NUREG-1556, Volume 4, dated October 1998.
- 12. Licensed material shall be stored under the supervision of Salvatore J. Delisi. These devices shall not be serviced, repaired or removed from their respective underwater storage locations on the pipelines without prior written approval from the NRC.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
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030-37442**CORRECTED COPY**

13. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee, except as specifically authorized.
14. The sealed sources specified in Item 7.A., while remaining in underwater storage, require no testing for leakage and/or contamination.
15. The licensee shall conduct a physical inventory every 3 years, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory, and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.
16. The following services shall not be performed by the licensee: installation, initial radiation surveys, relocation, removal from service, dismantling, alignment, replacement, disposal of the sealed source and non-routine maintenance or repair of components related to the radiological safety of the gauge (i.e., the sealed source, the source holder, source drive mechanism, on-off mechanism (shutter), shutter control, shielding). These services shall be performed only by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
17. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Nuclear Regulatory Commission or an Agreement State.
18. 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 certificate of registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
19. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
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20. 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 March 22, 2007 (ML071790584)
 - B. Letters dated June 11, 2007 (ML072500376 & ML072500392)
 - C. Letter dated June 27, 2007 (ML072070634)
 - D. Letter dated September 7, 2007 (ML072540839)



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

*/RA/*Date: January 7, 2008

By: _____

Jacqueline D. Cook, Senior Health Physicist
Nuclear Materials Safety Branch B
Region IV
Arlington, Texas 76011