



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

January 03, 2010

Department of the Interior  
Bureau of Indian Affairs  
ATTN: Mike Toland  
Highway Engineer  
316 North 26th Street  
Billings, Montana 59101

SUBJECT: TERMINATION OF NRC RADIOACTIVE MATERIALS LICENSE NO. 25-15901-01

By letter dated October 1, 2009, you informed the U.S. Nuclear Regulatory Commission (NRC) that you wished to terminate your NRC radioactive materials license. The NRC Form 314 dated August 14, 2008, stated that all radioactive material had been transferred to the following: Indian Reservation Roads Program, Rocky Boy Health Board, and Humboldt.

Although you were not able to provide the most recent leak test results for the radioactive material you possessed, the leak test results submitted by Humboldt, along with the clear inspection reports received by Indian Reservation Roads Program and Rocky Boy Health Board document that there was no evidence of leakage of radioactive material from the sealed sources. Based on the documentation submitted and a review of your historical file, the staff concluded that all licensable radioactive material has been removed from the facility and the facility at 316 North 26th Street, Billings, Montana 59101, is suitable for unrestricted use in accordance with 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use." Based on these conclusions, no further remediation or actions with respect to NRC regulated material is required.

Please find enclosed Amendment No. 11 to License No. 25-15901-01, authorizing your license termination. An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(20)(ii).

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>.

Department of the Interior

- 2 -

If you have questions or require clarification on any of the information stated above, please contact me at 817-276-6590.

Sincerely,

**/RA/**

Michelle Simmons  
Nuclear Materials Safety, Branch B

Docket: 030-08557  
License: 25-15901-01  
Control: 472434

Enclosure: As stated

## CHECKLIST

### NUREG 1757 - Appendix C: CHECKLIST OF ACTIONS TO BE COMPLETED BY NRC STAFF UPON RECEIPT OF LICENSED FACILITIES NOTIFICATION OF INTENT TO CEASE LICENSED OPERATIONS

**Facility Information:** License No.: 25-15901-01 Docket No.: 030-08557

Facility Name: Department of the Interior, Bureau of Indian Affairs  
Address: 316 North 26th Street  
Address: Billings, Montana 59101

Project Manager: Michelle Simmons  
Date of Notification: October 1, 2009

Department of the Interior, Bureau of Indian Affairs was determined to be Group 1

For Groups 1 and 2, the acceptable methods for demonstrating the suitability of the site for unrestricted use is described in Chapters 8 and 9 of NUREG 1757, *Consolidated NMSS Decommissioning Guidance*, Volume 1, "Decommissioning Process for Materials Licensees."

Group 1 Licensees (Refer to Section 8.1 of NUREG 1757)

Question 1:

**Yes**

This licensee possessed and used only sealed sources and their most recent leak tests are current and demonstrate that the sealed sources did not leak while in their possession.

Comments:

**Licensee transferred all radioactive material to Humboldt, Rocky Boy Health Department (25-27800-01), and Fort Peck IRR Program (25-29274-01).**

Question 2:

**No**

This licensee possessed and used relatively short-lived radioactive material (i.e.,  $T_{1/2}$  less than or equal to 120 days) in an unsealed form, the maximum activity authorized under the license has decayed to less than the quantity specified in 10 CFR Part 20, Appendix C, and the licensee's survey performed in accordance with 10 CFR Part 30.36 does not identify any residual levels of radiological contamination greater than decommissioning screening criteria.

NOTE: Licensees decommissioning under Group 1 would not be required to develop a DP.

***(If Licensee is designated as Group 1, then you may end the Checklist here!)  
(Please Go to the Last Page)***

Radioactive Material Disposition

August 14, 2008      Date on the submitted NRC Form 314 or equivalent

  X        Staff verified disposition of sealed sources or unsealed radioactive material by one of the following:

  X        Letter from Form 314 Recipient

            Call to Form 314 Recipient

Comments:      **Form 314 dated August 14, 2008, stated that the licensee transferred all radioactive material to Humboldt, Rocky Boy Health Department (25-27800-01), and Fort Peck IRR Program (25-29274-01).**

Radioactive Material Records Disposition

**[NA]**                      Licensee transfer of records discussed in 10 CFR 30.35, 30.36, 30.51; 40.36, 40.42, 40.61; or 70.25, 70.38, 70.51:

            To U. S. NRC

            To individual assuming responsibility for the license, with a copy of the cover letter to the U.S. NRC.

Comments:

Confirmatory or Side-by-Side Survey

            Termination survey submitted by licensee.

            Termination survey satisfies NRC survey requirements.

            Confirmatory or Side-by-Side survey performed:

Type:  
Date(s):  
Inspector:

            Close-out inspection performed:

Date(s):  
Inspector:

Comments:

## Materials License Termination/Retirement Form

LICENSE #: <u>25-15901-01</u>	DOCKET #: <u>030-08557</u>
LICENSEE: Department of the Interior Bureau of Indian Affairs  ADDRESS: 316 North 26th Street Billings, Montana 59101	EXPIRATION DATE: January 31, 2015  DATE OF CONTACT: October 1, 2009  CONTACTED BY: Mike Toland  TITLE: Highway Engineer  TELEPHONE: 406-657-6675

LICENSE TERMINATED: Yes

**BASIS FOR TERMINATION AND/OR RETIREMENT: Licensee transferred all radioactive material to Humboldt, Rocky Boy Health Department (25-27800-01), and Fort Peck IRR Program (25-29274-01).**

Licensing staff completing form: <u>Michelle Simmons</u> [Project Manager]	Date: <u>1/03/10</u> [Date of Checklist Review]
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