



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

May 10, 2010

MEMORANDUM TO: Docket File 030-00872

THROUGH: Jack E. Whitten, Chief */RA/*
Nuclear Materials Safety Branch B
Division of Nuclear Materials Safety

FROM: D. Blair Spitzberg, Chief */RA/*
Repository and Spent Fuel Safety Branch
Division of Nuclear Materials Safety

SUBJECT: CLOSURE MEMORANDUM FOR UNIVERSITY OF MONTANA,
CONTROL 472475

By letter dated November 5, 2009, the University of Montana (Licensee) requested release of the St. Patrick Hospital and Health Sciences Center, Missoula, Montana, from the license. We conducted a technical review of the Licensee's submittals, and we recommend that the facility be released for unrestricted use. Accordingly, we recommend that the license be revised as requested by the Licensee.

The Licensee's request was reviewed as a Group 2 decommissioning project in accordance with the guidance provided in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 1. According to Table 1.2, "Principle Regulatory Features of Decommissioning Groups," from NUREG-1757, Volume 1, safety evaluation reports are not required for Group 2 decommissioning projects. Therefore, a safety evaluation report was not developed for this licensing action. In addition, since a decommissioning plan was not required and since the final status survey results were less than the NRC's generic screening criteria, an environmental analysis was not required per Categorical Exclusion 10 CFR 51.22(c)(20)(iii).

Categorical Exclusion 10 CFR 51.22(c)(20)(iii) was published in the *Federal Register* on April 19, 2010 (75 FR 20248). The effective date for implementation of this new regulation is May 19, 2010; therefore, this licensing action cannot be finalized prior to May 19, 2010.

Table 1.2 provides the principle regulatory features of the seven decommissioning groups. Provided below is a status of each of the principle regulatory features for a Group 2 project:

Principle Regulatory Feature	Status
NEPA Compliance - completion of an Environmental Assessment	Not Required per Categorical Exclusion 10 CFR 51.22(c)(20)(iii)
Restricted or Unrestricted Use	Licensee requested unrestricted use

Decommissioning Plan Required?	A Decommissioning Plan was not required per 10 CFR 30.36(g)
Decommissioning Plan Review Documentation	Not Applicable
Radioactive Material Disposition Documentation	License submitted Certificate of Disposition of Materials (NRC Form 314) dated February 17, 2010 (ML100540865)
Method for Demonstrating Site is Suitable for Release - Survey or Demonstration	The final status survey report was submitted to NRC by letter dated November 5, 2009, as supplemented by e-mail dated February 18, 2010 (ML100550803, ML100540865)
Confirmatory or Side-by-Side Survey	DNMS/RSFS elected not to conduct a confirmatory survey because the radionuclide of concern was hydrogen-3 (tritium) with a very low energy beta particle
Closeout Inspection	The licensee was last inspected during March 2009. RSFS determined that a closeout inspection was unnecessary.
FRN Used to Inform the Public of Staff Actions	Not required because of Categorical Exclusion and NUREG-1757 guidance
Documentation Used to Support Licensing Action	<p>Corti, Dan, University of Montana, Request for Amendment to License, October 3, 2002 (ML100550756)</p> <p>Corti, Dan, University of Montana, Memorandum of Understanding for Use of Radionuclides, December 10, 2002 (ML100550756)</p> <p>Corti, Dan, University of Montana, Response to Phone Conversations, January 29, 2004 (ML100550756)</p> <p>Corti, Dan, University of Montana, Amendment Request for License, September 19, 2006 (ML100550756)</p> <p>Corti, Dan, University of Montana, Amendment Request for License, November 5, 2009, with email dated December 9, 2009 (ML100550803)</p>

	Corti, Dan, University of Montana, email Response to NRC Request for Additional Information, February 18, 2010 (ML100540865)
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The NRC staff considered whether a consultation with EPA was required per the EPA-NRC Memorandum of Understanding dated October 9, 2002. An EPA consultation was not required because any contamination was limited to internal building surfaces only. Further, there was no groundwater or outdoor soil contamination resulting from previous licensed operations.

Region IV submitted a request for comments on the draft environmental assessment for decommissioning of the St. Patrick Hospital to the State of Montana by letter dated March 3, 2010 (ML100620109). The NRC subsequently issued the final rule on new Categorical Exclusions in the *Federal Register* on April 19, 2010. As a result, Region IV is no longer required to solicit comments from the State on this licensing action. The Montana Radiation Control Program Director was notified on April 29, 2010, about the NRC's decision to suspend the request for comments because of the change in regulatory requirements.

Our review of the final status survey report is complete. The results of the final status survey meet the criteria of NUREG-1757 and similar guidance documents; therefore, RSFS approves the final status survey report. An amendment to License No. 25-01706-03 is recommended to authorize the release of the facility for unrestricted use and to amend the license to remove St. Patrick Hospital and Health Sciences Center from the license.

Docket: 030-00872
License: 25-01706-03
Control: 472475

bcc w/enclosure (via e-mail distribution):

- A. Howell
- J. Whitten
- W. Maier
- R. Browder
- R. Evans

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Final:

ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials:	RJE
Publicly Avail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitive Value:		
DNMS:RSFS	C:RSFS	C:NMSB-B		
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