



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

December 12, 2005

David A. Newburn, Radiation Safety Officer
ExxonMobil Refining & Supply Company
P.O. Box 1163
Billings, MT 59103-1163

SUBJECT: ACKNOWLEDGMENT OF RECEIPT OF FINAL STATUS SURVEY REPORT

Dear Mr. Newburn:

The NRC was notified by letter dated February 16, 2005, of your plans to terminate NRC Materials License No. SUB-1382. By letter dated October 26, 2005, you submitted a final status survey report to the NRC. I am writing to notify you that the NRC has initiated a review of the final status survey report for your facilities located in Billings, Montana.

We completed an administrative completeness review of the final status survey report and have determined that the submittal contains sufficient type and quality of information to begin the in-depth technical review. This completeness review does not reflect the technical adequacy of the information provided. We may periodically request additional information as a result of our technical review.

Based on guidance in NUREG-1757, Volume 1, Revision 1, "Consolidated NMSS Decommissioning Guidance," your submittal has been initially classified as a Group 2 decommissioning project because you are using NRC-accepted screening criteria and you have determined that a decommissioning plan is not necessary. Therefore, your submittal will be processed using the Group 2 guidance provided in Chapter 9 of NUREG-1757.

As a reminder, 10 CFR 40.42 provides the requirements for termination of licenses and decommissioning of sites. Regulation 10 CFR 40.42(j) states in part that as a final step in decommissioning, the licensee shall certify the disposition of all licensed material, including accumulated wastes, by submitting a completed NRC Form 314 or equivalent information. As of the date of this letter, an updated NRC Form 314, "Certificate of Disposition of Materials," (or equivalent) has not been received by the NRC. The final status survey report discusses accumulated material that will be disposed of as radiological wastes. Confirmation of final disposition of all residual radioactive wastes as documented in a completed NRC Form 314 is necessary prior to termination of your license.

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

ExxonMobil

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Should you have any questions concerning this letter, please contact Mr. Robert Evans, Senior Health Physicist, at (817) 860-8234 or me at (817) 860-8197.

Sincerely,

/RA/

Jack E. Whitten, Chief
Nuclear Materials Licensing Branch
Division of Nuclear Materials Safety

Docket No.: 040-08769
License No.: SUB-1382
Control No.: 470581

cc:
Roy Kemp
Licensing Bureau Chief
Division of Quality Assurance
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bcc (via ADAMS e-mail distribution):

LDWert

DMGillen, NMSS/DWMEP/DD

DAOrlando, NMSS/DWMEP/DD

DBSpitzberg

RJEvans

BASchlapper

RSBrowder

RIV Nuclear Materials File - 5th Floor

SISP Review Completed: RJE

ADAMS: : Yes ☒ No Initials: RJE

: Publicly Available ☒ Non-Publicly Available ☒ Sensitive : Non-Sensitive

DOCUMENT NAME: draft s:\dnms\!fcd\!rje\50876900-Acceptance Review.wpd

final s:\DNMS\Ltrs-Memos\2005\rje\50876900-Acceptance Review.wpd

RIV:DNMS:FCDB	C:FCDB	NMLB	C:NMLB
RJEvans	DBSpitzberg	RSBrowder	JEWhitten
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12/09/05	12/09/05	12/12/05	12/12/05

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