



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

February 14, 2006

Curtis L. Hofer  
Radiation Safety Officer  
Safety and Risk Management Dept.  
Montana State University  
1160 Research Drive  
Bozeman, MT 59718-6856

**SUBJECT: ASSESSMENT OF FORMER BURIAL SITE AT MONTANA STATE  
UNIVERSITY**

Dear Mr. Hofer:

By letter dated April 26, 1993, Montana State University informed the NRC of the closure of the Red Bluff disposal site near Norris, Montana. On September 13, 1996, the University submitted a decommissioning status of the burial site. Based on the information provided in the University's letters and a telephone conversation with you on February 8, 2006, we understand that you permanently discontinued the use of the burial site during 1989. The purpose of this letter is to remind you of the Timeliness Rule requirements of 10 CFR 30.36.

On November 4, 1996, the NRC issued a draft Branch Technical Position (BTP) which provided a screening methodology to characterize and remediate low-level radioactive waste burials previously conducted under 10 CFR 20.304 and 20.302. Region IV forwarded a copy of the draft BTP to Montana State University by letter dated December 12, 1996.

At the same time that the NRC was developing the BTP, it also promulgated a rule for license termination. On July 27, 1997, the License Termination Rule was finalized and published in the Federal Register (62 FR 39058) as 10 CFR Part 20, Subpart E. This rule established a 0.25 millisievert (25 millirem) per year dose limit for the unrestricted release of sites.

The NRC subsequently determined that the draft BTP methodology would not always meet the 25-millirem per year limit for all radionuclides; therefore, the BTP cannot be used as a screening methodology. Current NRC guidance to assist in the technical review and evaluation of former burial sites is included in NUREG-1757, Consolidated NMSS Decommissioning Guidance, Volume 2, Appendix J, "Assessment Strategy for Buried Material."

You are requested to perform an assessment of your burial site for compliance with the 25-millirem per year limit using the guidance provided in NUREG-1757, Volume 2, and take one of the following two actions:

1. If your assessment demonstrates that the burial site meets the 25-millirem per year dose limit, maintain documentation demonstrating that decommissioning/remediation is

not necessary for compliance with the annual dose limit. This information will be evaluated during a future inspection by the NRC, or

2. If your assessment shows that your burial site does not meet the 25-millirem per year dose limit, begin decommissioning only if a decommissioning plan is not required pursuant to 10 CFR 30.36(g)(1), or submit within 12 months of the date of this letter a decommissioning plan in accordance with 10 CFR 30.36(d).

If you choose Action 1, in accordance with the decommissioning recordkeeping requirements of 10 CFR 30.35(g), you must maintain records of your assessment until license termination. If you decide to remove the former burial site from the license prior to the cessation of all licensed activities, then you are requested to submit the assessment to the NRC in the form of a license amendment request.

If you choose Action 2, you are requested to inform the NRC in writing of your plans for the remediation of the burial site within 30 days of the completion of your assessment, including a proposed timetable for remediation.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," this letter and your response (if any) 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this letter, please contact Mr. Robert Evans, Senior Health Physicist, at (817) 860-8234 or the undersigned at (817) 860-8191.

Sincerely,

**/RA/**

D. Blair Spitzberg, Branch Chief  
Fuel Cycle & Decommissioning Branch  
Division of Nuclear Materials Safety

Docket No.: 030-00871  
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