



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E. LAMAR BLVD
ARLINGTON TX 76011-4511

April 6, 2016

Ms. Teresa Gallant
Radiation Safety Officer
Choctaw Nation of Oklahoma Housing Authority
1005 S. 5th Street
Hugo, OK 74743

SUBJECT: TERMINATION OF NRC RADIOACTIVE MATERIALS LICENSE NO. 35-27650-01
AND NOTICE OF VIOLATION

Dear Ms. Gallant:

By application dated January 13, 2016, you informed the U.S. Nuclear Regulatory Commission (NRC) that you wished to terminate your NRC radioactive materials license. The NRC Form 314 dated January 13, 2016, stated that all radioactive material had been transferred to Troxler Electronic Laboratories.

The supporting documentation to the NRC Form 314 also provided a copy of the most recent leak test results for the portable gauge. The leak test results document that there was no evidence of leakage of radioactive material from the sealed sources. The NRC staff has reviewed the supporting documentation to your NRC Form 314 and 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 located at 1005 South 5^h Street, Hugo, Oklahoma, 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.

However, based on the results of this review, the NRC has determined that one violation of NRC requirements occurred. The violation involved the failure to perform a leak test prior to transferring the gauge in preparation for terminating your license. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the subject Notice. The violation is being cited in the Notice because it was identified by the NRC during the license termination process.

Since you provided documentation that the leak test was performed by the recipient upon receipt of the gauge and found no evidence of leakage of material from the sealed sources, the NRC has concluded that: (1) the reason for the violation; (2) corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the application dated January 13, 2016 [ML16025A077] and the supplemental information provided on March 28, 2016 [ML16095A300]. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect

your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Please find enclosed Amendment No. 03 to License No. 35-27650-01 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 "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure(s), and your response if you choose to provide one will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the 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 issue, please contact Casey Alldredge at 817-200-1547 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch B
Division of Nuclear Materials Safety

Docket No: 030-35272
License No: 35-27650-01
Control No: 589929

Enclosures:

1. Notice of Violation
2. License Termination

cc w/enclosure:

Mike Broderick, Radiation Control Program Director, Oklahoma

your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Please find enclosed Amendment No. 03 to License No. 35-27650-01 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 "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure(s), and your response if you choose to provide one will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the 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 issue, please contact Casey Alldredge at 817-200-1547 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch B
Division of Nuclear Materials Safety

Docket No. 030-35272
License No. 35-27650-01
Control No. 589929

Enclosures:

1. Notice of Violation
2. License Termination

cc w/enclosure:

Mike Broderick, Radiation Control Program Director, Oklahoma

Distribution:

K. Kennedy, DRA
M. Shaffer, D:DNMS
L. Howell, DD:DNMS
NMSB-A

ADAMS ACCESSION NUMBER: ML16095A326

<input checked="" type="checkbox"/> SUNSI Review By: CCA		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
OFFICE	RIV:DNMS	RIV:DNMS	C:NMSB-A	C:NMSB-B			
NAME	CCAldredge	MMHammond	RLKellar	VHCampbell			
SIGNATURE	/RA/	/RA/	/RA/	/RA/			
DATE	04/04/16	04/04/16	04/04/16	04/06/16			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Choctaw Nation of Oklahoma Housing Authority
Hugo, Oklahoma

Docket No. 030-35272
License No. 35-27650-01

During a review of an application for the U.S. Nuclear Regulatory Commission, (NRC) license termination, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License condition 18.C. of NRC License 35-27650-01, specifies in part, that when sealed sources are transferred to another person and have not been leak tested within the required test interval, they shall be tested before transfer.

Contrary to the above, on March 20, 2015, the licensee transferred two sealed sources contained in a Troxler Model 3450 gauge to another person and the sealed sources had not been leak tested within the required test interval and were not tested before transfer. Specifically, the required leak test interval was 6 months and the most recent leak test was performed on January 13, 2014. The sealed sources were transferred on March 20, 2015, in excess of the required leak test interval and without being tested prior to transfer.

This is a Severity Level IV violation (Section 6.3.d.3.)

The NRC has concluded that the reason for the violations, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance was achieved is adequately addressed on the docket in the application dated January 13, 2016 [ML16025A077] and the supplemental information provided on March 28, 2016 [ML16095A300]. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as "Reply to a Notice of Violation", and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at www.nrc.gov/reading-rm/pdr.html or www.nrc.gov/reading-rm/adams.html. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 6th day of April 2016

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

35-27650-01

Docket or Reference Number

030-35272

Amendment No. 03

Choctaw Nation of Oklahoma Housing Authority
1005 South 5th Street
Hugo, Oklahoma 74743


In accordance with NRC Form 314 dated January 13, 2016, NRC license number 35-27650-01 is hereby terminated.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date April 6, 2016

By


Michelle M. Hammond, M.Sc., Health Physicist
Nuclear Materials Safety Branch B
Region IV
Arlington, Texas 76011-4511