



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 6, 2016

ERCS, LLC  
PO Box 21254  
Billings, MT 59101-1254

SUBJECT: BILLINGS ARMY NAVY-3 – INFORMATION REGARDING RADIUM GAUGES  
AND DIALS

Dear Mr. Schmidt:

I am writing to inform you that our records indicate that your property at, 2901 Montana Avenue, Billings, Montana, is a site that is currently being used to store surplus military parts that may contain radium-226. If you are not the current owner of the property, please let us know whom we should contact. Radium-226 is a radioactive isotope that, in certain quantities, may pose a risk to public health and safety. Radium-226 is regulated by the U.S. Nuclear Regulatory Commission (NRC).

Our review of public records indicates that vintage gauges, dials, and military instruments containing luminous radium may be stored on your property. Therefore, we request that you contact us at your earliest convenience to discuss the current status of these instruments.

Please note that in accordance with the regulations in Title 10 of the *Code of Federal Regulations* § 31.12, *General license for certain items and self-luminous products containing radium-226*, a general license is issued to any person who acquires, receives, possesses, uses, or transfers radium-226 contained in certain products manufactured prior to November 30, 2007. These items include certain watches, dials, and gauges, within certain limits. If you possess these products you are a general licensee under 10 CFR § 31.12(a). As a general licensee, under 10 CFR § 31.12(c) there are certain requirements that must be followed, which include that you:

- (1) Shall notify the NRC should there be any indication of possible damage to the product so that it appears it could result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished to the Director of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days.
- (2) Shall not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to 10 CFR § 20.2008 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the NRC.
- (3) Shall not export products containing radium-226 except in accordance with 10 CFR part 110.
- (4) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any Federal or State solid or hazardous waste

law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 by a specific license issued under 10 CFR part 30, or equivalent regulations of an Agreement State, or as otherwise approved by the NRC.

- (5) Shall respond to written requests (including this one) from the NRC to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If you cannot provide the requested information within the allotted time, you shall, within that same time period, request a longer period to supply the information by providing the Director of the Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in 10 CFR § 30.6(a), a written justification for the request.

The enclosed Site Summary Report provides all of the information that the NRC has concerning historical radium storage at your property, which we found through a search of publicly available information. The enclosed Backgrounder provides more detail on the history of radium use and its potential health effects. The enclosed brochure provides an overview of the NRC; copies of the NRC regulations referenced in this letter are enclosed and are available on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. The NRC's website at <http://www.nrc.gov/materials/radium.html> provides additional information regarding the NRC's implementation of its jurisdiction over radium.

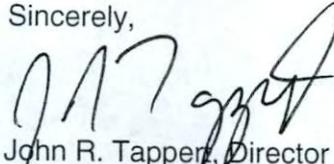
In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," upon removal of the bracketed information, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

E. Schmidt

-3-

We would like to work with you to answer any questions you might have. At your earliest convenience, please contact Mr. Matthew Meyer, Acting Branch, Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Materials Safety and Safeguards, at (301) 415-6198, or Mr. Kenneth Kalman, Project Manager, at (301) 415-6664.

Sincerely,



John R. Tappert, Director  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 3038946

Enclosures:

1. Site Summary Report
2. Radium Backgrounder
3. U.S. Nuclear Regulatory Commission *Overview*
4. Copy of Applicable NRC Regulations

REGISTERED LETTER – RETURN RECEIPT REQUESTED

## Billings Army Navy: Site Summary

The following information was extracted from public records.

### Addresses

10 N. 29<sup>th</sup> Street, Billings, MT 59101 (current location, 2012-present)

15 N. 29<sup>th</sup> Street, Billings, MT 59101 (previous location, 1980-2012)

### Site Description/History

Billings Army Navy Surplus has been in business at two locations in Billings, MT since 1980 (10 N. 29<sup>th</sup> Street and 15 N. 29<sup>th</sup> Street). It is one of the largest Army Navy Surplus stores in the northwest and carries genuine military surplus and collectibles dating back to the early 1900s. They have a large collection of Vintage Aero Parts including WWI and WWII airplane gauges, switches, meters, indicators, controls, compasses, and more that are known to contain luminous radium material (Billings Army Navy, 2015).

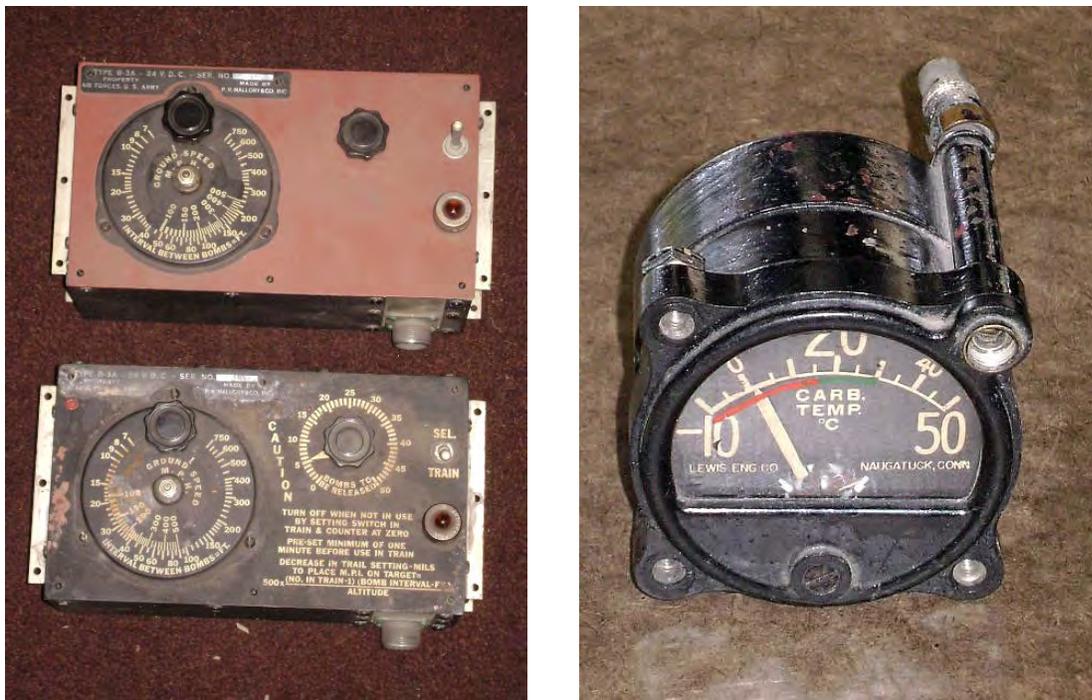


Figure 1. WWII era gauges available for sale (Billings Army Navy, 2015)  
(<http://go-armynavy.com/military-surplus/vintage-aero-parts.html>)



Figure 2. Billings Army Navy (10 N. 29<sup>th</sup> Street) current location since 2012 (Google Earth, 2015)



Figure 3. Billings Army Navy (15 N. 29<sup>th</sup> Street) previous site, located across the street from current location prior to 2012 (Google Earth, 2015, image captured Sept 2011)

**The amount/extent of radium contamination at these sites (including historical information and/or informed assumptions about the radium facilities' structures/areas, processes, and activities)**

It is known that luminous radium containing aircraft dials and gauges are housed in the current operating building site at 10 N. 29<sup>th</sup> Street, and it is assumed these items were also present at the former location at 15 N. 29<sup>th</sup> Street.

### Summary of Current Radium Levels:

As of November 2015, current levels of radium are unknown based on information reviewed for this report.

### **Location and population near the sites**

Billings is located in Yellowstone County and is the largest city in MT. According to the 2010 U.S. Census, the population of Billings was 104,170; the 2014 population estimate for the city was 108,869 (United States Census Bureau, 2015). The Billings Army Navy stores are located in an area surrounded by businesses and residences (Figure 4).

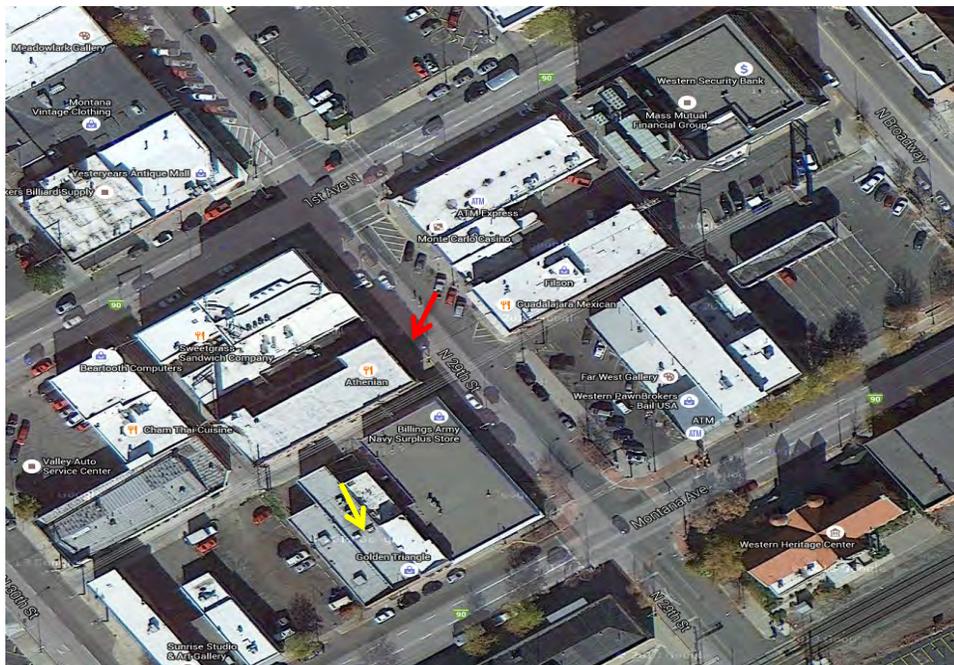


Figure 4. Location of current 10 N. 29<sup>th</sup> Street (yellow) and previous 15 N. 29<sup>th</sup> Street (red) sites and surrounding areas (Google Earth, 2015)

### **Current State/other Federal involvement**

An extensive internet search of public records did not reveal any information about contamination/cleanup of the facility, especially involving radium.

### **Current access, activities, and uses at the site**

As of November 2015, Billings Army Navy of Billings, MT is open and operating at the location of 10 N. 29<sup>th</sup> Street. The current contact is listed as Eddie Schmidt (800) 653-8528. Current occupancy/use of the previous business location (prior to 2012) of 15 N. 29<sup>th</sup> St. is unknown.

## **Existing Engineering Controls**

No engineering controls exist at either location.

## **Prioritization Ranking**

Radium is confirmed to have been present at the site based on historical documentation that luminous radium containing military items are located at the current store. This site is occupied or frequented by visitors. It is assumed luminous radium containing military items were also present at the former location of Billings Army Navy. Therefore, the site classified as Tier 1.

## **References**

Billings Army Navy. 2015. <http://go-armynavy.com>.

Google Earth. Accessed May 2015. <https://www.google.com/maps/>.

United States Census Bureau. Accessed October 2015.  
<http://quickfacts.census.gov/qfd/states/30/3006550.html>.

## Radium

Radium was one of the first radioactive elements ever discovered. Marie and Pierre Curie unlocked the atom's secrets in 1898, opening the door for important innovations using radioactivity in medicine and industry. Radiation quickly became a consumer and medical sensation and radium was the posterchild. Experts concluded radiation was a lifesaver after finding it reduced tumor growth and was present in the waters at some health spas. Soon there were many radium products on the market that purported to improve health and vitality. But tragic stories began to emerge of the health impacts. Perhaps the most well-known is the "radium girls," who painted watch faces with glow-in-the-dark radium paint and developed infections and jaw cancer from licking their brushes into fine points.

### Early regulation

When evidence of harm began to emerge in the early 1900s, the states each made their own decisions about how to regulate. Courts also took varying approaches on victim compensation. The federal government took action to guard against false advertising and regulate mail shipments, conducted studies, and organized some voluntary protections.

As radioactive materials became more widely available following World War II, they remained largely under state control. Radium use declined in medical and consumer products in favor of other safer materials.

### Regulation today

Work on securing radioactive materials took on new urgency following the terrorist attacks on the United States in September 2001. Those attacks prompted the International Atomic Energy Agency to develop a code of conduct in 2004 to limit the potential for malicious acts. That code places one form of radium, known as radium-226, and other radioactive materials into categories based on their quantity and potential hazard.

The NRC has specific security requirements tied to these categories. As support for the IAEA code grew, Congress passed the Energy Policy Act in 2005, giving the NRC authority over radium-226. This law marked the first time the federal government had a comprehensive role in ensuring the safe use of radium-226.

Many states had developed strong programs for regulating radium and other naturally-occurring radioactive materials and it took time to transition authority. The NRC had regulations in place and fully assumed oversight in 2009. Initially, NRC staff worked exclusively with the military to identify sites

where radium might be present. These discussions made clear that the NRC's role would include ensuring that sites where radium was used are maintained in a way that protects public health and safety.

In 2016, the NRC and Department of Defense signed a [Memorandum of Understanding \(MOU\)](#) describing roles in the cleanup of radium and other unlicensed radioactive materials at military sites. The MOU and a [Regulatory Issue Summary](#) clarify NRC's jurisdiction over military radium. In late 2016, the NRC began monitoring two sites under the MOU: Treasure Island Naval Station in San Francisco and Dugway Proving Ground in Utah.

In 2013, the agency learned of two commercial sites where radium-226 had been found and other federal agencies had gotten involved. The Environmental Protection Agency was overseeing portions of the Waterbury Clock Company in Connecticut. The National Park Service was overseeing Great Kills Park in New York.

NRC staff is working with the current owner of the Waterbury Clock Company site. Contaminated areas of the site are under EPA oversight through its Brownfields Program, which provides assistance to clean up contaminated properties. NRC staff is working with EPA to clarify oversight roles and responsibilities under that program.

In 2016, NRC staff began developing an MOU with the National Park Service that will also clarify the NRC's jurisdiction over radium at Great Kills Park. The NRC is monitoring cleanup activities that the Park Service is implementing under Superfund, more formally known as the Comprehensive Environmental Response, Compensation and Liability Act.

Those projects prompted a search to identify sites in NRC's jurisdiction where radium was used, and to find out how much, if any, cleanup was done. This search was not a result of any known health and safety issues. Rather, because of its mandate to protect public health and safety, the NRC wanted to be sure there were no additional sites that might pose a risk.

With the help of the Oak Ridge National Laboratory, the NRC began to develop a fuller picture of commercial radium use. The lab produced a [catalog](#) of the various products developed and sold to the public in the early 20<sup>th</sup> century. By reviewing publicly available records, Oak Ridge identified sites where radium may have been used to make consumer goods. Then the lab looked for any cleanup records. Oak Ridge transmitted the results to the NRC in November 2015. Since that time, the agency has been working on plans to gather more information about those sites.

The NRC is working with state and local governments to identify any additional records that may help clarify whether any site cleanup has taken place. The goal is to ensure that public health and safety is adequately protected at these sites.

**October 2016**

## OTHER KEY OFFICES

- ◆ The **Office of Enforcement** develops policies and programs to enforce NRC requirements. Enforcement action is used as a deterrent to emphasize the importance of compliance with regulatory requirements and to encourage prompt identification and prompt, comprehensive correction of violations. The office manages major enforcement actions against licensees, and assesses the effectiveness and uniformity of enforcement actions taken by NRC regional offices. Enforcement powers include notices of violations, fines, and orders to modify, suspend or revoke a license. Two separate offices are responsible for investigations.
- ◆ The **Office of Investigations** conducts investigations of licensees, applicants, contractors and vendors. The office investigates all allegations of wrongdoing by individuals or organizations other than NRC employees and NRC contractors. In addition, the office keeps abreast of inquiries and inspections and advises on the need for formal investigations. It also keeps other components of the agency informed of matters under investigation as they affect safety.
- ◆ The **Office of the Inspector General** is a statutory post mandated by the Inspector General Amendments Act of 1988. The office conducts independent reviews and appraisals of internal NRC programs and conducts investigations of alleged wrongdoing by NRC employees and contractors.

## Office of Public Affairs

Washington, DC 20555-0001

Telephone: (301) 415-8200

Fax: (301) 415-3716

E-mail: [opa.resource@nrc.gov](mailto:opa.resource@nrc.gov)

Website: [www.nrc.gov](http://www.nrc.gov)

## Regional Public Affairs Offices



### Region I

2100 Renaissance Blvd., Suite 100  
King of Prussia, PA 19406-2713  
(610) 337-5330 or 337-5331



### Region II

245 Peachtree Center Ave., NE., Suite 1200  
Atlanta, GA 30303-1257  
(404) 997-4417 or 997-4416



### Region III

2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352  
(630) 829-9663 or 829-9662



### Region IV

1600 E. Lamar Blvd.  
Arlington, TX 76011-4511  
(817) 200-1128



NUREG/BR-0099, Rev. 14  
June 2016

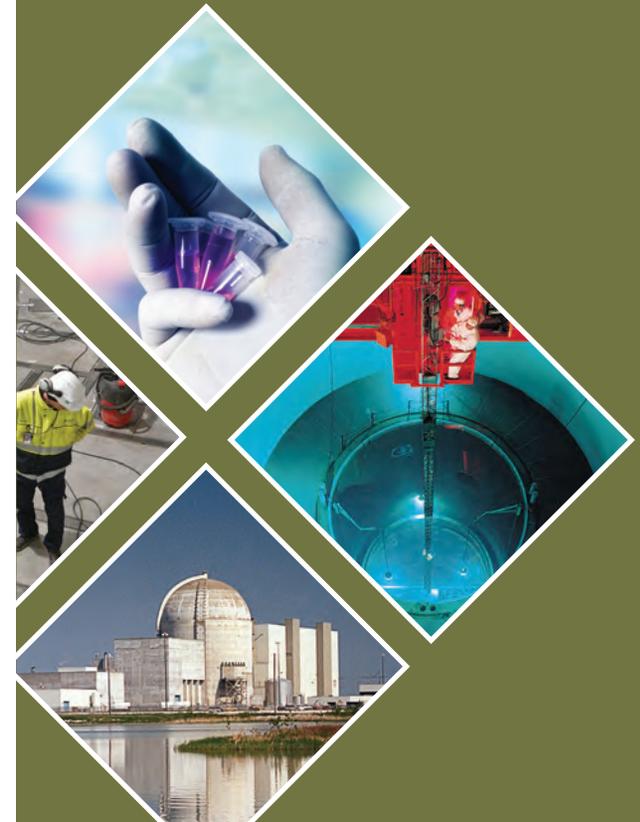
## STAY CONNECTED



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## U.S. Nuclear Regulatory Commission Overview



## NRC MISSION

The NRC licenses and regulates the Nation's civilian use of radioactive materials to protect public health and safety, promote the common defense and security, and protect the environment. Specifically, the NRC regulates commercial nuclear power plants; research, test and training reactors; nuclear fuel cycle facilities; and the use of radioactive materials in medical, academic and industrial settings.

The agency also regulates the transport, storage, and disposal of radioactive materials and waste, and licenses the import and export of radioactive materials. While the NRC only regulates industries within the United States, the agency works with agencies around the world to enhance global nuclear safety and security.

## STATUTORY AUTHORITY

The Energy Reorganization Act of 1974 created the NRC from the Atomic Energy Commission. The new agency was to oversee — but not promote — the commercial nuclear industry. The agency began operations on January 18, 1975. The NRC's regulations can be found in Title 10, "Energy," of the *Code of Federal Regulations* (10 CFR).

The NRC, its licensees (those licensed by the NRC to use radioactive materials), and the Agreement States (States that assume regulatory authority over use of certain nuclear materials) share a responsibility to protect public health and safety and the environment. Federal regulations and the NRC's regulatory program are key, but the primary responsibility for safely handling and using these materials lies with the licensees.



## ORGANIZATIONS AND FUNCTIONS

The NRC's Commission is made up of five members nominated by the President and confirmed by the U.S. Senate for 5-year terms. The President designates one member to serve as Chairman. The Chairman acts as the principal executive officer and spokesperson of the agency. The members' terms are staggered so that one Commissioner's term expires on June 30 every year. No more than three Commissioners can belong to the same political party.

The Commission formulates policies and regulations governing nuclear reactor and materials safety, issues orders to licensees, and adjudicates legal matters. The Executive Director for Operations carries out the policies and decisions of the Commission, and directs the activities of the program and regional offices. The NRC has about 3,600 employees and an annual budget of about \$1 billion.

The NRC is headquartered in Rockville, Md., and has four regional offices. The **Regional Offices** conduct inspection, enforcement (in conjunction with the Office of Enforcement), investigation, licensing, and emergency response programs. At least two NRC employees, called Resident Inspectors, are assigned to, and work out of, each nuclear power plant. The NRC also has a Technical Training Center in Tennessee.

The major program offices within the NRC include:

- ◆ **The Office of Nuclear Reactor Regulation.** Handles all licensing and inspection activities for existing nuclear power reactors and research and test reactors.
- ◆ **The Office of New Reactors.** Oversees the design, siting, licensing, and construction of new commercial nuclear power reactors.
- ◆ **The Office of Nuclear Security and Incident Response.** Oversees agency security policy for nuclear facilities and users of radioactive materials. It provides a safeguards and security interface with other Federal agencies and maintains the agency's emergency preparedness and incident response program.



◆ **The Office of Nuclear Material Safety and Safeguards.** Regulates activities and oversees the regulatory framework for the safe and secure production of commercial nuclear fuel and the use of nuclear material in medical, industrial, academic and commercial applications; uranium recovery activities; and the decommissioning of previously operating nuclear facilities. It regulates safe storage, transportation, and disposal of high- and low-level radioactive waste and spent nuclear fuel. The office also works with Federal agencies, States, and Tribal and local governments on regulatory matters.

- ◆ **The Office of Nuclear Regulatory Research.** Provides independent expertise and information for making timely regulatory judgments, anticipating problems of potential safety significance, and resolving safety issues. It helps develop technical regulations and standards and collects, analyzes, and disseminates information about the safety of commercial nuclear power plants and certain nuclear materials.

Three independent groups serve the Commission:

- ◆ **Advisory Committee on Reactor Safeguards,** mandated by statute, is a committee of scientists and engineers independent of NRC staff. They review and make recommendations to the Commission on all applications to build and operate nuclear power reactors, the safety aspects of nuclear facilities and the adequacy of safety standards. This includes update license amendments and license renewals.
- ◆ **Advisory Committee on the Medical Uses of Isotopes** is made up of physicians and scientists who consider medical questions and, when asked, give expert opinions to the NRC on the medical uses of radioactive materials.
- ◆ **Atomic Safety and Licensing Board Panel** provides a way for the public to get a full and fair hearing on civilian nuclear matters. Individuals who are directly affected by licensing action involving certain facilities producing or using nuclear materials may submit a request to participate in a hearing before these independent judges.



Home > NRC Library > Document Collections > NRC Regulations (10 CFR) > Part Index > § 20.2008 Disposal of certain byproduct material.

## § 20.2008 Disposal of certain byproduct material.

(a) Licensed material as defined in paragraphs (3) and (4) of the definition of *Byproduct material* set forth in §20.1003 may be disposed of in accordance with part 61 of this chapter, even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under part 61 of this chapter, must meet the requirements of § 20.2006.

(b) A licensee may dispose of byproduct material, as defined in paragraphs (3) and (4) of the definition of *Byproduct material* set forth in § 20.1003, at a disposal facility authorized to dispose of such material in accordance with any Federal or State solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005.

[72 FR 55922, Oct. 1, 2007]

*Page Last Reviewed/Updated Wednesday, December 02, 2015*



Home > NRC Library > Document Collections > NRC Regulations (10 CFR) > Part Index > § 31.12 General license for certain items and self-luminous products containing radium-226

## **§ 31.12 General license for certain items and self-luminous products containing radium-226**

(a) A general license is hereby issued to any person to acquire, receive, possess, use, or transfer, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, radium-226 contained in the following products manufactured prior to November 30, 2007.

(1) Antiquities originally intended for use by the general public. For the purposes of this paragraph, antiquities mean products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

(2) Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.

(3) Luminous items installed in air, marine, or land vehicles.

(4) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time.

(5) Small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. For the purposes of this paragraph, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources, static eliminators, or as designated by the NRC.

(b) Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in paragraph (a) of this section are exempt from the provisions of 10 CFR parts 19, 20, and 21, and § 30.50 and 30.51 of this chapter, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption shall not be deemed to apply to any such person specifically licensed under this chapter.

(c) Any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in paragraph (a) of this section:

(1) Shall notify the NRC should there be any indication of possible damage to the product so that it appears it could result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished to the Director of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days.

(2) Shall not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to § 20.2008 of this chapter or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the NRC.

(3) Shall not export products containing radium-226 except in accordance with part 110 of this chapter.

(4) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any Federal or State solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005, by transfer to a person authorized to receive radium-226 by a specific license issued under part 30 of this chapter, or equivalent regulations of an Agreement State, or as otherwise approved by the NRC.

(5) Shall respond to written requests from the NRC to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Director of the Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in § 30.6(a) of this chapter, a written justification for the request.

(d) The general license in paragraph (a) of this section does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

[53 FR 19246, May 27, 1988; 72 FR 55927 Oct. 1, 2007; 79 FR 75739, Dec. 19, 2014]

*Page Last Reviewed/Updated Wednesday, December 02, 2015*



Home > NRC Library > Document Collections > NRC Regulations (10 CFR) > Part Index > § 30.6 Communications.

## § 30.6 Communications.

(a) Unless otherwise specified or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in parts 30 through 37 and 39 of this chapter and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed: ATTN: Document Control Desk, Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

(2) By hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland.

(3) Where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by e-mail to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov); or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.

(b) The Commission has delegated to the four Regional Administrators licensing authority for selected parts of its decentralized licensing program for nuclear materials as described in paragraph (b)(1) of this section. Any communication, report, or application covered under this licensing program must be submitted to the appropriate Regional Administrator. The Administrators' jurisdictions and mailing addresses are listed in paragraph (b)(2) of this section.

(1) The delegated licensing program includes authority to issue, renew, amend, cancel, modify, suspend, or revoke licenses for nuclear materials issued pursuant to 10 CFR parts 30 through 36, 39, 40, and 70 to all persons for academic, medical, and industrial uses, with the following exceptions:

(i) Activities in the fuel cycle and special nuclear material in quantities sufficient to constitute a critical mass in any room or area. This exception does not apply to license modifications relating to termination of special nuclear material licenses that authorize possession of larger quantities when the case is referred for action from NRC's Headquarters to the Regional Administrators.

(ii) Health and safety design review of sealed sources and devices and approval, for licensing purposes, of sealed sources and devices.

(iii) Processing of source material for extracting of metallic compounds (including Zirconium, Hafnium, Tantalum, Titanium, Niobium, etc.).

(iv) Distribution of products containing radioactive material under §§ 32.11 through 32.30 and 40.52 of this chapter to persons exempt from licensing requirements.

(v) New uses or techniques for use of byproducts, source, or special nuclear material.

(2) *Submissions.* (i) *Region I.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, and Vermont. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713; where email is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(ii) *Region II.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region II non-Agreement States and territories: West Virginia, Puerto Rico, and the Virgin Islands. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713; where email is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(iii) *Region III.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, Missouri and the Region III Agreement States of Minnesota, Wisconsin, and Iowa. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532 –4352; where e-mail is appropriate it should be addressed to *RidsRgn3MailCenter.Resource@nrc.gov*.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, and Missouri. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to *RidsRgn3MailCenter.Resource@nrc.gov*.

(iv) *Region IV.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region IV non-Agreement States and territory of Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming and Guam and Region IV Agreement States of Oregon, California, Nevada, New Mexico, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, Nebraska, and North Dakota. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 1600 E. Lamar Blvd., Arlington, TX 76011–4511; where email is appropriate, it should be addressed to *RidsRgn4MailCenter.Resource@nrc.gov*.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and territory: Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming, and Guam. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 1600 E. Lamar Blvd., Arlington, TX 76011–4511; where email is appropriate, it should be addressed to *RidsRgn4MailCenter.Resource@nrc.gov*.

[48 FR 16031, Apr. 14, 1983, as amended at 49 FR 19630, May 9, 1984; 49 FR 47824, Dec. 7, 1984; 50 FR 14693, Apr. 11, 1985; 51 FR 36000, Oct. 8, 1986; 52 FR 8241, Mar. 17, 1987; 52 FR 38392, Oct. 16, 1987; 52 FR 48093, Dec. 18, 1987; 53 FR 3862, Feb. 10, 1988; 53 FR 43420, Oct. 27, 1988; 58 FR 7736, Feb. 9, 1993; 58 FR 64111, Dec. 6, 1993; 59 FR 17465, Apr. 13, 1994; 60 FR 24551, May 9, 1995; 62 FR 22880, Apr. 28, 1997; 68 FR 58803, Oct. 10, 2003; 70 FR 69421, Nov. 16, 2005; 71 FR 15007, Mar. 27, 2006; 72 FR 33386, Jun. 18, 2007; 73 FR 5717, Jan. 31, 2008; 74 FR 62681, Dec. 1, 2009; 75 FR 21980, Apr. 27, 2010; 75 FR 73942, Nov. 30, 2010; 76 FR 72085, Nov. 22, 2011; 77 FR 39905, Jul. 6, 2012; 77 FR 43689, Jul. 25, 2012; 78 FR 17006, Mar. 19, 2013; 78 FR 32338, May 29, 2013; 79 FR 75739, Dec. 19, 2014; 80 FR 74979, Dec. 1, 2015]

*Page Last Reviewed/Updated Thursday, December 31, 2015*

E. Schmidt

-3-

We would like to work with you to answer any questions you might have. At your earliest convenience, please contact Mr. Matthew Meyer, Acting Branch, Materials Decommissioning Branch, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Materials Safety and Safeguards, at (301) 415-6198, or Mr. Kenneth Kalman, Project Manager, at (301) 415-6664.

Sincerely,

**/RA/**

John R. Tappert, Director  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 3038946

Enclosures:

1. Site Summary Report
2. Radium Backgrounder
3. U.S. Nuclear Regulatory Commission *Overview*
4. Copy of Applicable NRC Regulations

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