## Browder, Rachel

From:

Ralph McGillivray [ralphm@nciengineering.com]

Sent:

Wednesday, May 20, 2009 4:46 PM

To:

Rachel Browder

Subject:

RE: Working in NRC jurisdiction

Thanks...Rachel,

We will need to review and get things going.

Ralph McGillivray

NCI Engineering Co.

Great Falls, MT

406 453 5478

**From:** Rachel Browder [mailto:Rachel.Browder@nrc.gov]

Sent: Wednesday, May 20, 2009 3:41 PM

To: Ralph McGillivray

Subject: RE: Working in NRC jurisdiction

#### Ralph,

This is in follow up to my telephone call today, May 20, in response to your email dated October 20, 2008. Since you are in possession of Troxler and Seamans radium-226 gauges, you are required to apply for an NRC license. The Energy Policy Act of 2005 authorized the NRC to start regulating all "processed" naturally occurring radioactive materials and accelerator produced radioactive materials (NARM) that are used for commercial, medical or research activities. The implementation of the revised regulations are effective in different phases. The regulations became effective on November 30, 2007 for the State of Montana. New applicants would subsequently have one (1) year to submit a new license application. However, they are required to be in compliance with applicable regulations, such as security and reporting requirements upon the effective date (e.g., November 30, 2007) of the waiver termination. The link to the rule is available on the NARM toolbox at <a href="http://nrc-stp.ornl.gov/narmtoolbox.html">http://nrc-stp.ornl.gov/narmtoolbox.html</a>. There is also Regulatory Issue Summaries and other pertinent information on the website. For any required reporting requirements, such as lost or stolen gauge, please contact the NRC Operations Center at 301-816-5100 (24/7). Please note that the NRC Operations Center also accepts collect calls.

I've included a .pdf of the Errata to Appendix H of NUREG-1556, Volume 1. This errata provides examples of the security that would meet the revised security regulation which states: "Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized remove, whenever portable gauges are not under the control and constant surveillance of the licensee."

For additional information regarding fees or small entity reduction, please contact Ms. Brenda Brown at 301-415-6055.

I've also attached FRN Fees 2009 - which is the Federal Register Notice for the proposed fees - which will become effective sometime in July-August timeframe. (Another Federal Register Notice will announce the effective date of the new fees). Please refer to this document for the annual fee amount for Item 3.P, for next year. The current license application fee for Category 3.P (portable gauge) is \$1400.00.

## The NRC License application should consist of the following documents:

- 1. NRC Form 313 w/payment by check or credit card of \$1400.00
- 2. Appendix B, NUREG-1556, Volume 1, Revision 1. Please include the Manufacturer/Model number and the number of gauges that you possess.
- 3. Documentation of the training certification(s) or training outline that the proposed Radiation Safety Officer has taken.

## Additional Information Required for new license applications:

- 4. Is your company registered with your Secretary of State? If so, please provide copy of the registration certificate.
- 5. Do you have a company website? If so, please state.
- 6. Provide an organization chart with individual's names and positions, including RSO position.
- 7. Describe the security of the proposed storage location for the portable gauges. Provide diagram with dimensions. Diagram should include storage location for the gauges. Indicate if location of use is a residence or a business location.
- 8. Indicate if you have been a previous authorized user or RSO of a portable gauge working under an NRC or Agreement State portable gauge license. State years of work experience as a portable gauge user with another company, and company name and license number, if applicable.
- 9. Indicate if your company has ever had an NRC or Agreement State license for portable gauges.
- 10. Provide copy of your federal tax identification certificate.

I will place a hard copy of the documents in the mail to you. If you have any further questions, please contact me by email or telephone.

Sincerely,

Rachel Browder

Rachel S. Wrowder, CHP

NRC, Region IV Nuclear Materials Safety Branch B 612 E. Lamar Blvd., Suite 400 Arlington, TX 76011-4125

(817) 276-6552 (office) / (817) 860-8188 (fax)

email address: rachel.browder@nrc.gov

**From:** Ralph McGillivray [mailto:ralphm@nciengineering.com]

**Sent:** Tuesday, May 19, 2009 5:39 PM

To: Rachel Browder

Cc: Jake NCI; 'Idaho NCI'

Subject: FW: Working in NRC jurisdiction

Hi Rachel,

Sorry this is taking so long, but if you could possibly answer my Oct 20<sup>th</sup> questions I had earlier in this email trail. Thanks very much we are still interested in getting things updated with current regulations. I have tried to call and left messages but have not connected with you.

Ralph McGillivray

NCI Engineering Co.

Great Falls, MT

406 453 5478

**From:** Ralph McGillivray [mailto:ralphm@nciengineering.com]

Sent: Monday, March 09, 2009 10:13 AM

To: 'Rachel Browder'

Subject: RE: Working in NRC jurisdiction

Wow, quite frankly I had not got a response, and I just about gave up on getting a response, but thanks for your response, I am still looking for information.

Rachel, if you could possibly answer my Oct 20<sup>th</sup> questions would really help. I can also call you if that is easier.

thanks

Ralph McGillivray

NCI Engineering Co.

Great Falls, MT

406 453 5478

**From:** Rachel Browder [mailto:Rachel.Browder@nrc.gov]

**Sent:** Saturday, March 07, 2009 7:37 PM

To: Ralph McGillivray

Subject: RE: Working in NRC jurisdiction

Ralph,
I'm not sure whether I replied to your email request. Currently the fee for reciprocity is \$1400.00 and the fee for an NRC license is \$1300.00. Please give me a call and we can discuss any further questions.
Sincerely,
Rachel Browder
817-276-6552
From: Ralph McGillivray [mailto:ralphm@nciengineering.com] Sent: Tuesday, October 28, 2008 3:59 PM To: Rachel Browder Subject: RE: Working in NRC jurisdiction
Rachel, have you had time to look this over?
thanks
Ralph
From: Ralph McGillivray [mailto:ralphm@nciengineering.com] Sent: Monday, October 20, 2008 3:02 PM To: 'Rachel Browder' Subject: RE: Working in NRC jurisdiction
Hi Rachel,
Sorry to bother you again, we are trying to get current on regulations. Any changes in fees since we visited last? What exactly does "reciprocity" give you? We do not intend to do testing out of Montana. I would assume the NRC licensing is now required for operating density guage in Montana. If we let this licensing linger would we be pentalized to get caught up on license? (pay for back annual fees) I think you had said before the license goes with the business and if we operate one guage or a dozen the license fee is same, correct?

Δ

Thanks

Ralph

**From:** Rachel Browder [mailto:Rachel.Browder@nrc.gov]

Sent: Thursday, April 17, 2008 11:36 AM

**To:** Ralph McGillivray

Subject: RE: Working in NRC jurisdiction

Mr. McGillivray,

A lot of the information is still correct. There have been some changes in fees. The fee for reciprocity is \$1500.00 for the calendar year. If you decide to apply for an NRC license, then the initial application fee is \$1400.00 and the annual fee is \$2700.00, a year from the date of the initial license. You can always verify the fee amounts with Brenda Brown at 301-415-6055.

As a portable density gauge user - you do not need to purchase a survey meter; however, you do have to have access to one. There are a lot of entities in MT who have gauges (e.g., hospitals, universities, fire departments, etc.) If you do not purchase a survey meter, then you have to have some type of agreement in place (e.g., letter) as documentation to show an inspector that you have access to a survey meter.

I've attached an errata to Appendix H from NUREG-1556, Vol 1, Rev 1. This describes different ways you can meet the security requirements for PGs (two independent physical controls) when not under the control and constant surveillance of the licensee. So I can't say that you have to purchase a NUX safety containment box - but you have to implement something that meets the requirements in 10 CFR 30.34(i), as described in the errata to Appendix H.

If there is anything else, please let me know.

Sincerely,

Rachel Browder

Rachel S. Browder, CHP
NRC, Region IV
Nuclear Materials Safety Branch B
612 Lamar Blvd., Suite 400
Arlington, TX 76011
(817) 276-6552 (office) / (817) 860-8188 (fax)
Please note my new email address: rachel.browder@nrc.gov

**From:** Ralph McGillivray [mailto:ralphm@nciengineering.com]

**Sent:** Thursday, April 17, 2008 12:21 PM

**To:** Rachel Browder **Cc:** 'Jake Neil'

Subject: RE: Working in NRC jurisdiction

Hi Rachel.

Say we are still trying to decide if our firm will offer portable moisture density gauge testing for our civil engineering projects here in Montana. You had sent us this email data over a year ago, now we are asking if there has been updates to this data? We would be buying new density gauges (Cesium-137 not exceeding 11 millicurries) and would need to apply for license, and follow up with all the current /additional requirements by NRC for the state of Montana. Can I ask you please to see what data you had sent us last year, that we need to have updated to be current, and what are the current application cost are, and what annual fee is. Do I now need to purchase a radiation survey meter for ALARA? Is it necessary to purchase a NUX safety containment box?

We have been dragging our feet about making this move into current regulations and requirements for operating portable moisture density gauges.

Thanks very much

Ralph McGillivray

NCI Engineering Great Falls, Mt.

406 453 5478

From: Rachel Browder [mailto:RSB3@nrc.gov]
Sent: Monday, March 26, 2007 1:57 PM
To: ralphm@neilconsultants.com

Subject: Working in NRC jurisdiction

#### Ralph,

This is in followup to our telephone call the other day regarding working in NRC jurisdiction under an NRC license or under reciprocity. I apologize for sending this email late. I thought I hit "send" the other day and I must have inadvertently hit "cancel" because I have no record of the email. Thank you for your follow-up telephone call.

I have also attached is SCAN1226.pdf, which is the annual procedures letter sent to all licensees who filed during 2006.

Filing for reciprocity requires:

- (1) Completed NRC Form 241, which may be located at: <a href="http://www.nrc.gov/reading-rm/doc-collections/forms/nrc241.pdf">http://www.nrc.gov/reading-rm/doc-collections/forms/nrc241.pdf</a>
- (2) Copy of your Agreement State Radioactive Materials License (ensuring that you are authorized to work at temporary job sites)
- (3) Payment of \$1900.00 by check or credit card. If using credit card, please use NRC Form 629, which may be located at: <a href="http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf">http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf</a>

Reciprocity requires notification to the NRC Regional office (e.g., fax of an updated 241 or equivalent information on company letterhead) for the dates in which you are working in NRC jurisdiction. Any changes to the reciprocity request and if you add/delete dates requested to work in NRC jurisdiction, must be updated in a revised submittal. You are limited to 180 days during a calendar year. The clock starts as soon as you enter the exclusive Federal jurisdictional area, including storage of radioactive material, even if you are not working. (Transportation of the gauge through NRC jurisdiction does not count.) The calendar year ends on December 31st; therefore, reciprocity must be filed for the following year, in order to continue work starting on January 1st. We typically authorize an initial reciprocity request within 24 hours.

The regulations for this activity are located at the following address: <a href="http://www.nrc.gov/reading-rm/doc-collections/cfr/part150/part150-0020.html">http://www.nrc.gov/reading-rm/doc-collections/cfr/part150-0020.html</a>

Additionally, reciprocity guidance may be found in NUREG-1556, Volume 19, attached.

You may fax the application and forms to: 817-860-8263 or 817-860-8188. The check should be mailed to:

U.S. NRC ATTN: Rachel Browder, NMLB 611 Ryan Plaza Dr., Ste 400 Arlington, TX 76011

Requesting an NRC license for portable gauge is pretty straightforward. Temporary Jobsites may be authorized on your NRC license, which would allow you to conduct activities in all areas of exclusive Federal jurisdiction within the country. Please contact **Brenda Brown at 301-415-6055** for the initial application fee and the annual fee amounts. One thing to note is that the fee is not based on a calendar year; therefore, if the NRC license is issued in July 2007, then your annual fee will be due in July 2008. Additionally, depending on the size of your company - there may be small entity reduction in the annual fee - there is not a reduction in the initial application fee (nor is there a reduction for reciprocity.) The typical time frame to process a new license request is 90 days; however, you can request the license to be expedited due to business necessity to support your work in NRC jurisdiction.

Initial Fee Link (Item 3.P.  $\sim$  \$3500.00): <a href="http://www.nrc.gov/reading-rm/doc-collections/cfr/part170/part170-0031.html">http://www.nrc.gov/reading-rm/doc-collections/cfr/part170/part170-0031.html</a> Annual Fee Link (Item 3.P  $\sim$  \$2300.00): <a href="http://www.nrc.gov/reading-rm/doc-collections/cfr/part171/part171-0016.html">http://www.nrc.gov/reading-rm/doc-collections/cfr/part171/part171-0016.html</a>

The guidance document for submitting an NRC license application for portable gauge is Volume 1, Revision 1, of the NUREG-1556 series which is located on the NRC website at:

http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/ I have also placed one in the mail for your use.

You can print out the application section - which is Appendix B - and submit the required information (Please include a copy of your Agreement State Radioactive Materials license to document the authorized RSO).

You will have to complete NRC Form 313 and have it signed by someone who has signature authority for the company. Following is a .pdf for the Form:

http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313.pdf

Payment may be made by check or credit card. If using credit card, please use NRC Form 629, which may be located at: <a href="http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf">http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf</a>

I flagged some pertinent sections of the NUREG-1556 guidance document that was mailed - which addresses transportation, monitoring exposures, and training for authorized users.

The transportation regulations under 49 CFR Part 172 may be located on the website at: <a href="http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr172">http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr172</a> main 02.tpl

The transporation regulations for shipping is under 49 CFR Part 173, Subpart I, and may be located on the website at: <a href="http://http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr173">http://http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr173</a> main 02.tpl

If there are any questions, please do not hesitate to contact me, at 817-276-6552. You may fax the application and forms to: 817-860-8263 or 817-860-8188.

Sincerely, Rachel Browder

Rachel Browder, Health Physicist NRC Region IV/DNMS/NMLB (817) 276-6552 rsb3@nrc.gov

# Browder, Rachel

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Rachel S. Browder, CHP NRC, Region IV Nuclear Materials Safety Branch B 612 Lamar Blvd., Suite 400 Arlington, TX 76011 (817) 276-6552 (office) / (817) 860-8188 (fax) Please note my new email address: rachel.browder@nrc.gov **From:** Ralph McGillivray [mailto:ralphm@nciengineering.com]

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Ralph McGillivray

NCI Engineering Great Falls, Mt.

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**To:** ralphm@neilconsultants.com **Subject:** Working in NRC jurisdiction

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- (2) Copy of your Agreement State Radioactive Materials License (ensuring that you are authorized to work at temporary

job sites)

(3) Payment of \$1900.00 by check or credit card. If using credit card, please use NRC Form 629, which may be located at: http://www.nrc.gov/reading-rm/doc-collections/forms/nrc629.pdf

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The transporation regulations for shipping is under 49 CFR Part 173, Subpart I, and may be located on the website at:

## http://http://ecfr.gpoaccess.gov/cqi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr173 main 02.tpl

If there are any questions, please do not hesitate to contact me, at 817-276-6552. You may fax the application and forms to: 817-860-8263 or 817-860-8188.

Sincerely, Rachel Browder

Rachel Browder, Health Physicist NRC Region IV/DNMS/NMLB (817) 276-6552 <u>rsb3@nrc.gov</u>