

Herr, Michael

From: Thornton, John [john.thornton@psiusa.com]
Sent: Tuesday, March 22, 2011 5:49 PM
To: Herr, Michael
Subject: RE: Special Project Licensure

Mr. Herr:

Pursuant to our recent telephone conversation(s), PSI is unable to respond to your request for (documented) confirmation that the locations in Idleyd Park, OR and Fort Riley, KS (per PSI's 12/17/2010 amendment request to NRC RAM License No. 12-16941-01 [Control No. 574151]) are areas of exclusive federal jurisdiction. After contacting the project management for each site (to contact the respective site authority) and both the Oregon and Kansas Agreement State agencies, PSI is unable to secure documentation to confirm that either location is under exclusive federal jurisdiction. (Frankly, I am dismayed that neither the NRC nor either Agreement State agency can determine their own respective regulatory jurisdiction, opting to place such onus on individual licensees [many of whom may not even be aware of these jurisdictional differences].)

Because PSI cannot proceed with this license action (Control No. 575141), we now have to modify our operations to store a gauge on each site only on a temporary basis (under the authorization to store the gauge on a temporary job site inherent in Condition 10.B of NRC RAM License No. 12-16941-01).

Since this license action has now exceeded the NRC's 'goal' of processing each license action within 90 days of receipt, the resolution is to terminate this license action at this time. Please accept this correspondence as PSI's acknowledgement of the NRC's termination of this license action (NRC Control No. 575141).

Regards,

John T. Thornton
Safety Director/Corporate RSO
Safety Department
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From: Herr, Michael [<mailto:Michael.Herr@nrc.gov>]
Sent: Thursday, March 10, 2011 4:05 PM
To: Thornton, John; McDonald, Chris; Hankins, Ryan
Subject: RE: Special Project Licensure

Mr. Thornton,

Please see attached conversation record. Please note that it is not the NRC's responsibility to determine if the status of the area that the licensee is conducting their operations in; It is the Licensee's. I included the applicable reference in the conversation record.

Sincerely,

Michael G. Herr

Materials Licensing Branch
Region III

From: Thornton, John [<mailto:john.thornton@psiusa.com>]
Sent: Tuesday, March 08, 2011 12:24 PM
To: McDonald, Chris; Hankins, Ryan
Subject: Special Project Licensure

Chris, Ryan:

I received a call this morning from the NRC License Reviewer regarding their initial review of PSI's 12/17/2010 (pending) amendment request to add the 'Special Project' locations in Idleyld Park, OR and Fort Riley, KS. Since the NRC is unable to determine if either location is under exclusive federal jurisdiction for the regulation of byproduct (radioactive) material, it is the responsibility of the licensee to determine if the NRC has jurisdiction there.

In order to move forward with licensure, I need a letter from your client indicating that each property is exclusive federal jurisdiction. Since they probably have no idea, you may need to contact the client's Radiation Safety Officer (or Safety Officer if there is no RSO).

Other than that, I don't know who we'll need to contact to verify each location is under 'exclusive federal jurisdiction' (other than possibly the applicable Agreement State liaison).

Please advise.

Thank you,

-John

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