

November 30, 2012

Mr. Douglas P. Mueller  
Hamre, Schumann, Mueller & Larson, P.C.  
45 South Seventh Street, Suite 2700  
Minneapolis, MN 55402

Dear Mr. Mueller:

I am responding to your letter dated October 5, 2012, in which you asked various questions regarding the legal requirements for registering with the U.S. Nuclear Regulatory Commission (NRC) neutron-based coal and cement bulk analyzers and the registration and installation history of specific analyzers licensed to your client's competitor, SABIA, Inc.

The statutory requirements for the possession of byproduct material are provided by the Atomic Energy Act of 1954, as amended, in Chapter 8. These statutory requirements are codified in Title 10 of the *Code of Federal Regulations* (10 CFR). Pursuant to 10 CFR 30.3(a), unless exempted, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with NRC regulations. In addition to the issuance of specific and general licenses, 10 CFR 32.210 describes the issuance of certificates of registration (covering radiation safety information about a product) to manufacturers or initial transferors of sealed sources or devices containing sealed sources which are to be used by other persons requesting specific licenses. This regulation states that any manufacturer or initial distributor may submit a request to the NRC for evaluation of radiation safety information about its product and for its registration. The regulation states how such a request is to be submitted, what such a request must include, and how the NRC evaluates such a request to determine whether a certificate of registration should be issued. If a certificate of registration is issued, then the certificate serves as an acknowledgement of the availability of the submitted information for inclusion in an application for a specific license proposing use of the product. You can review more detailed information regarding licensing or registration of various devices in the NRC's "Consolidated Guidance About Materials Licenses" (NUREG-1556) located at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>.

With respect to your various specific requests regarding specified products and their use by NRC licensees, we suggest that you utilize the NRC's public document system to make your inquiries. You may access and search for additional information related to your specific inquiries, which the NRC possesses and is publicly available, online using the NRC's "Web-based Agencywide Documents Access and Management System (ADAMS)." Web-based ADAMS is available at <http://adams.nrc.gov/wba/> or by selecting "Begin web-based ADAMS Search" in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Once in Web-based ADAMS, select either the "Content Search" tab to search based on a company name, etc. or the "Advanced Search" tab to refine your search by limiting your search criteria in specific fields. Web-based ADAMS allows searching similar to other common search engines. Within Web-based ADAMS, NRC documents are identified by "accession number" and can be located by accession number via an advanced search.

D. Mueller

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Even a basic content search for SABIA, Inc. results in the identification of dozens of documents which may be of interest depending on the details of your inquiries. For example, the October 27, 2012, "Registry of Radioactive Sealed Sources and Devices Active Vendors/Active Products by Vender Name" is available at accession number ML12301A009. The transmittal letter for the most recent license amendment for SABIA, Inc. is available at ML12284A266.

If you require assistance with using web-based ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). Publicly available NRC documents can also be viewed online for free or printed for a fee in the NRC's PDR at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

If you wish to submit a specific request under the Freedom of Information Act (FOIA) for an existing record maintained by the NRC, please follow the guidance provided at <http://www.nrc.gov/reading-rm/foia/foia-request.html#how>. This guidance includes where to send a FOIA request, the recommended content of FOIA requests, and the fees associated with FOIA requests.

Sincerely,

**/RA/** J. Biggins for

Bradley W. Jones  
Assistant General Counsel for Reactors  
and Materials Rulemaking  
Office of General Counsel

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Sincerely,

**/RA/** J. Biggins for

Bradley W. Jones  
Assistant General Counsel for Reactors  
and Materials Rulemaking  
Office of General Counsel

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**ADAMS Accession Number ML12332A093**

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<b>DATE</b>	11/30/12	11/30/12	11/27/12

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