

Conversation Record



TO: Dave Emmendorfer

COMPANY: Missouri Department of Conservation.

Jennifer Bishop
Materials Licensing Branch
U.S. Nuclear Regulatory Commission
Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4351
Jennifer.Dalzell-Bishop@nrc.gov

PAGES: 5

FAX #: _____

(630) 829-9607 FAX: (630) 515-1078

EMAIL:
Dave.Emmendorfer@mdc.mo.gov.

CONVERSATION RECORD

TIME DATE
9:30 am 3/28/2013

NAME OF PERSON(S) CONTACTED	TELEPHONE NO.	ORGANIZATION
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Dave Emmendorfer	573-522-4115 x3523	Radiation Safety Officer
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License No.: 24-20298-01

Control No.: 579836

SUMMARY

This refers to your application to renew your license dated January 10, 2013 and the phone conversation between Dave Emmendorfer and Jennifer Bishop on March 28, 2013.

- A. During our review of your renewal application dated January 10, 2013, it appeared that your application had not been completely prepared in accordance with the guidance in NUREG 1556, Vol. 1, Rev. 1, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses, dated November 2001." This omission has resulted in an incomplete application that contains numerous restrictive elements which we believe you would find difficulty complying with, if we were to include them in your license.

For guidance on preparing all licensing correspondence, please use NUREG 1556 Vol. 1, Rev. 1, "Consolidated Guidance About Materials Licenses - Program-Specific Guidance About Portable Gauge Licenses." This document can be found at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>

RESPONSE: As we discussed, please submit your application in its entirety using the guidance in NUREG 1556, Volume 1.

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- B. During our phone conversation, you asked about amount of the annual fee and if you would be eligible for the small entity fee amount. I am attaching a copy of the small entity form for you to review.

RESPONSE: No response is required.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be 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 <http://www.nrc.gov/reading-rm/adams.html>.

Action Required:

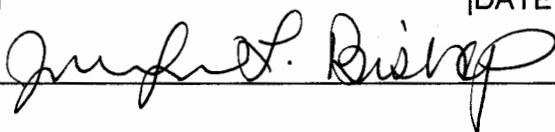
Submit the requested information within 30 calendar days (by April 28, 2013) by referencing control number 579836 to facilitate proper handling in our office. Please contact me if you need to make alternative response arrangements.

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT (630) 829-9607.

NAME OF PERSON DOCUMENTING
CONVERSATION

SIGNATURE
DATE

Jennifer Bishop



3/28/13

NRC FORM 526 <small>(08-2012) 10 CFR 171</small>		U.S. NUCLEAR REGULATORY COMMISSION	
CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171 (Effective August 22, 2012)			
If you have QUESTIONS , e-mail them to: SmallEntity.Resource@nrc.gov			
SEE IMPORTANT INSTRUCTIONS FOR NRC FORM 526 -- PLEASE READ CAREFULLY DO NOT COMPLETE OR RETURN THIS FORM IF YOU DO NOT QUALIFY AS A SMALL ENTITY A Licensee that is a subsidiary of a large entity, including foreign entities, does NOT qualify as a small entity.			
NAME AND ADDRESS OF LICENSEE (as it appears on the invoice):	INVOICE NUMBER	BUSINESS TELEPHONE NUMBER	
	DOCKET NUMBER	CONTACT NAME	
EMAIL ADDRESS	COMPANY WEBSITE ADDRESS www.	CONTACT TELEPHONE NUMBER	
SIZE STANDARDS (Check only <u>1</u> box below).			MAXIMUM ANNUAL FEE PER LICENSED CATEGORY (See Items 2 and 3 on back)
1. SMALL BUSINESS A for-profit concern that is not engaged in manufacturing with average GROSS receipts of \$7.0 million or less over its last 3 completed fiscal years. For further information see 1a and 1b of attached instructions.			
<input type="checkbox"/> A. \$450,000 TO \$7,000,000 <input type="checkbox"/> B. LESS THAN \$450,000			\$ 2,300 \$ 500
2. MANUFACTURING INDUSTRY A manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months.			
<input type="checkbox"/> A. 35 to 500 EMPLOYEES <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES			\$ 2,300 \$ 500
NAICS BUSINESS CODE (See 1b and 1e of attached instructions): _____			
3. SMALL ORGANIZATION A not-for-profit organization that is independently owned and operated and has annual GROSS receipts of \$7.0 million or less. For further information see 1a and 1b of attached instructions.			
<input type="checkbox"/> A. \$450,000 TO \$7,000,000 <input type="checkbox"/> B. LESS THAN \$450,000			\$ 2,300 \$ 500
4. SMALL GOVERNMENTAL JURISDICTION (INCLUDING PUBLICLY SUPPORTED EDUCATIONAL INSTITUTIONS) A government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. For further information see 1f of attached instructions.			
<input type="checkbox"/> A. 20,000 TO 49,999 POPULATION OF JURISDICTION <input type="checkbox"/> B. LESS THAN 20,000 POPULATION OF JURISDICTION			\$ 2,300 \$ 500
5. SMALL EDUCATIONAL INSTITUTION THAT IS NOT STATE OR PUBLICLY SUPPORTED Only applicable to such small educational institutions if they have 500 or less employees. For further information see 1b and 1f of attached instructions.			
<input type="checkbox"/> A. 35 to 500 EMPLOYEES <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES			\$ 2,300 \$ 500
CERTIFICATION			
<i>This certification MUST be signed by the owner of the entity named above or an official empowered to act on behalf of the entity.</i>			
I certify that the above named NRC licensee qualifies as a small entity under the size standards established by the NRC for its licensees in 10 CFR 2.810. The licensee qualifies as a small entity under the specific size standard indicated above.			
WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat. 749, makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction. The submittal of willful false statements is punishable by fine or imprisonment, or both, and for purposes of this certification, may result in revocation or suspension of the license.			
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.	TYPED OR PRINTED NAME AND TITLE	SIGNATURE	DATE

**IMPORTANT INSTRUCTIONS FOR NRC FORM 526 -- PLEASE READ CAREFULLY
DO NOT COMPLETE OR RETURN THIS FORM IF YOU DO NOT QUALIFY AS A SMALL ENTITY**

**CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES
OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171**

A licensee who qualifies as a small entity under a specific size standard established by the NRC may pay a reduced annual fee by filing the required certification on NRC Form 526, which is on the reverse side of this page. A separate NRC Form 526 is required for each invoice. Licensees who do not qualify under one of the 5 size standards shown on NRC Form 526 should disregard this form.

1. Complete all items on NRC Form 526 as follows: **(NOTE: Incomplete or improperly completed forms will be returned as unacceptable.)**
 - Enter the licensee's name and address exactly as they appear on the invoice. Annotate name and/or address changes for billing purposes on the payment copy of the invoice -- Correcting the name and/or address on NRC Form 526 or on the invoice does not constitute a request to amend the license.
 - Enter the invoice number exactly as it appears on the invoice.
 - Enter the company's business telephone number. Enter the docket number exactly as it appears on the invoice.
 - Enter the contact person's name and email address. Enter the company's website address (if applicable), and the contact person's telephone number.
 - Check the appropriate size standard under which the licensee qualifies as a small entity. Check one box only. Note the following:
 - a. A licensee that is a subsidiary of a large entity, including foreign entities, does not qualify as a small entity. The calculation of a firm's size must include the employees or receipts of the parent company and all other affiliates. Affiliation with another concern is based on the power to control whether exercised or not. Such factors as common ownership, common management and identity of interest are indications of affiliation. The affiliated business concerns need not be in the line of business listed in the license.
 - b. Gross annual receipts, as used in the size standards, include all revenue received or accrued by your company from all sources, regardless of the form of the revenue, and not solely receipts from licensed activities. Receipts of a for-profit concern not engaged in manufacturing means average gross receipts over its last three completed fiscal years. (For additional information on calculating annual receipts, see 13 C.F.R. 121.104.) By contrast, number of employees of a manufacturing concern is based on employment during each pay period for the preceding 12 calendar months. (For additional information on calculating number of employees, see 13 C.F.R.121.106.)
 - c. NRC's size standards on small entity are generally based on the Small Business Administration's regulations (13 C.F.R. Part 121). However, where there is a direct conflict between the Small Business Administration's regulations and NRC regulations on the subject, NRC regulations are applicable to NRC licensees.
 - d. The size standards apply to the licensee, not to the individual authorized users who may be listed in the license.
 - e. If you are a manufacturer, enter your North American Industry Classification System business code in the narrow, elongated box provided for that purpose under MANUFACTURING INDUSTRY on Form 526. In accordance with the North American Industry Classification System (NAICS), each business is assigned a NAICS business code. If you do not know your NAICS business code it can be obtained on the internet at www.census.gov.
 - f. As used in Form 526, "educational institution" means an entity that has education as its primary function; that offers programs accredited by a nationally recognized accrediting agency or association; that is legally authorized to provide a program of organized instruction or study; that provides an educational program for which it awards academic degrees; and that makes its educational programs available to the public.

2. If the invoice states the "Amount Billed Represents 50% Proration," the amount due is not the prorated amount shown on the invoice, but rather one-half of the maximum small entity annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies (either \$1150 or \$250) for each category billed.
3. If the invoice amount is less than the reduced small entity annual fee shown on this form, pay the amount on the invoice; there is no further reduction. In this case, do not file NRC Form 526. However, if the invoice amount is greater than the reduced small entity annual fee, file NRC Form 526 and pay the amount applicable to the size standard you checked on the form.
4. The completed NRC Form 526 must be submitted with the required annual fee payment and the "Payment Copy" of the invoice to the address shown on the invoice.
5. 10 CFR 171.16(c)(3) provides that a licensee must submit a new certification with its annual fee payment each year. A licensee must pay the full amount of the invoice, if the licensee fails to submit NRC Form 526 at the time the annual fee is paid.

NRC Form 526 can be accessed on the NRC's public website at:
<http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf>.

NRC's Small Entity Compliance Guide is available online in the NRC Library at:
<http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents.

To obtain information quickly regarding small entities and annual fees, please contact the License Fee Billing Help Desk at (301) 415-7554 or by e-mail at:
SmallEntity.Resource@nrc.gov.