



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

SEP 17 2014

Greg Ebeling  
Radiation Safety Officer  
Braun Intertec Corporation  
11001 Hampshire Avenue South  
Bloomington, NM 55438

Dear Mr. Ebeling:

Enclosed is your NRC Material License No. 22-16537-04 in accordance with your request.

The regulations specified in Title 10 of the Code of Federal Regulations Part 37 (Part 37) "Physical Protection of Byproduct Material," impose physical security requirements for the possession and use of the most risk significant radioactive materials. The most risk significant radioactive materials are referred to as Category 1 and Category 2, based on quantities, and are listed in Appendix A of 10 CFR Part 37. The list is based on the International Atomic Energy Agency's rankings of radiation sources. NRC licensees were required to fully implement the new regulation by March 19, 2014. The requirements of Part 37 supersede the requirements of the "Order Imposing Increased Controls" and the "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Materials."

New license applicants and licensees newly subject to 10 CFR Part 37 must implement the requirements before taking possession of an aggregated Category 1 or Category 2 quantity of radioactive material. The NRC would consider the licensee to have taken possession of an "aggregated" Category 1 or Category 2 quantity of radioactive material when and if it places an accumulated quantity at or above the Category 2 threshold behind a single physical barrier. A licensee that has not previously implemented the security orders or had not been subject to the provisions of Part 37 must notify the U.S. Nuclear Regulatory Commission, Region III, Materials Licensing Branch, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352 in writing at least 90 days before aggregating radioactive material to a quantity that equals or exceeds the Category 2 threshold.

The new rule is available on NRC's public website at <http://www.nrc.gov/reading-rm/doccollections/cfr/part037/>. Also, NRC has created a website for 10 CFR Part 37 that can be found at <http://www.nrc.gov/security/byproduct/10-cfr-part-37.html>. This site contains helpful information, such as hyperlinks to the final rule language as published in the Federal Register (<http://www.gpo.gov/fdsys/pkg/FR-2013-03-19/pdf/2013-05895.pdf>), types of licensees that may be subject to 10 CFR Part 37 requirements, the implementation guidance for the rule (NUREG-2155) (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2155/>), as well as some frequently asked questions that have been developed during the implementation process. This website is updated as needed, and it is recommended that licensees review this information periodically. In addition, the NRC issued a Regulatory Issue Summary 2014-03 Notice of 10 CFR Part 37 Implementation Deadline for NRC Licensees on March 13, 2014 (ADAMS ML14052A157).

The enclosed document contains sensitive security-related information.  
When separated from this cover letter this letter is uncontrolled.

G. Ebeling

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Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please be advised that your license expires at the end of the day, in the month, and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 Code of Federal Regulations (CFR) Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC, in writing, within 30 days:
  - a. when the Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change; or
  - b. when the mailing address listed on the license changes.
3. In accordance with 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
  - a. when you decide to terminate all activities involving materials authorized under the license; or
  - b. if you decide not to complete the facility, acquire equipment, or possess and use authorized material.
4. Request and obtain a license amendment before you:
  - a. change Radiation Safety Officers;
  - b. order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;
  - c. add or change the areas of use, or addresses of use identified in the license application or on the license; or
  - d. change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations.

G. Ebeling

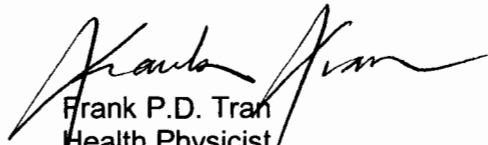
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You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC's electronic document system. Pursuant to NRC's RIS 2005-31 and in accordance with 10 Code of Federal Regulations 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability. The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>. A copy of this letter 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>.

Sincerely,

  
Frank P.D. Tran  
Health Physicist  
Materials Licensing Branch

License No. 22-16537-04  
Docket No. 030-38749

Enclosures:

- 1) NRC License No. 22-16537-04
- 2) New license package