

Tomczak, Tammy

From: Pelke, Patricia
Sent: Thursday, August 09, 2018 12:35 PM
To: vvelez@contractor.usgs.gov
Cc: corazio@usgs.gov; Fees_RegionIII; Fredericks, Carl; Hutton, Carmean; Blair, Meghan; Coyle, James; Riner, Kelly
Subject: Fee Category 3P Assigned to NRC License No. 24-12728-01/Docket No, 030-05146
Attachments: USGS Letter Aug 6 2018 re fee categories - ML18221A302.pdf; Change to NRC License No. 24-12728-01 issued to U.S. Geological Survey

Dear Ms. Velez,

I received your letter with attached documentation from 2008 regarding the assessment of Fee Category 3P to your subject license for the possession and use of gas chromatographs. I forwarded the information you provided to the Accounts Receivable Branch in the Office of the Chief Financial Officer for review and assessment of the Fee Category 3P determination. In the interim, your letter indicates that the gas chromatographs you possess are generally licensed (GL) devices. If these devices are currently labelled as generally licensed devices by the manufacturer, you can submit an amendment to remove them from your specific license. If the devices are not labelled as GLs, you can work with the manufacturer to obtain the appropriate GL labels and amend your license accordingly. If you choose to remove the devices from your license, you will need to submit evidence that the devices are appropriately labelled as GLs.

I appreciate your prompt follow-up on this matter and hope to have a resolution soon. If you have any questions in the interim, please contact me.

*Patricia J. Pelke
Chief, Materials Licensing Branch
Division of Nuclear Materials Safety
NRC Region III
Office: 630-829-9868
Cell: 630-453-7639
Fax: 630-515-1259*



Department of the Interior
US Geological Survey
Columbia Environmental Research Center
4200 E. New Haven Road
Columbia, MO 65201

August 6, 2018

Patricia J. Pelke
Chief, Materials Licensing Branch
U.S. NRC Region III
2443 Warrenville Road
Mail Control Number 588619
Lisle, Illinois 60532

Dear Patricia Pelke,

SUBJECT: Response to Change to NRC License No. 24-12728-01 issued to U.S. Geological Survey, Docket Number 3005146 email

This is a response to the email that you sent Dr. Orazio on Wednesday, June 20, 2018 where you indicated that on the next billing cycle CERC will owe \$14,800 for Program Code 03620, Fee Category 3M, and additional \$9,300 for Program Code 03123, Fee category 3P.

Program Code 03123 appears to be for Measuring Systems Gas Chromatography due to the fact that the Center does have gas chromatography with three Ni-63 ECDs that are on a General License from Agilent, Inc. 5301 Stevens Creek Blvd, Santa Clara, CA 95051.

CERC is part of the U.S. Geological Survey and we use these gas chromatography instruments with Ni-63 ECDs strictly for government (public) research on environmental samples (not research in industry).

According to our radiation license files in July 15, 2008 Mona S Williams of NRC confirmed that the assessment of a 3P fee category for the use in gas chromatographs for sample analysis is part of the authorized material permitted for use under the 3M fee category for research and development. Therefore, NRC canceled the assessment of fee category 3P from USGS license numbers 39-25372-01 and 24-12728-01 (see attachment #1).

Is this additional 3P charge appropriate for our current license? Thank you for your attention in this matter.

Sincerely,

Vanessa Vélez
Radiation Safety Officer
573-441-2958
vvelez@contractor.usgs.gov

RECEIVED AUG 09 2018

Attachment 1



Department of the Interior
US Geological Survey
Box 25046 MS-974
Denver CO, 80225

June 16, 2008

Mona Williams,
Nuclear Regulatory Commission
Chief, License Fee Team
Two White Flint North MS- 9 E10
11545 Rockville Pike
Rockville, MD 20852-2738

The US Geological Survey would like to dispute license fees for two licenses (Columbia, Missouri License number 24-12728-01 and Columbia, South Carolina License number 39-25372-01).

Both licenses recently received license bills for annual category 3M and 3P (program code 03620 and 03123 respectively) for this fiscal year and for category 3P for 5 years in the arrears. We agree with the category 3M but dispute the category 3P based on the regulations 10CFR170.31 and NUREG 1556 Volume 20. Both these licenses have been previously billed only for program code 03620, annual fee category 3M. The NRC added the category 3P (program code 03123) to our license fees due to gas chromatographs being possessed and used at each location.

NUREG 1556 Volume 20 states for program code 03123 (annual category 3P) that the gas chromatograph be used for industrial processes. First, the USGS is a Federal Agency within the Department of Interior, not in the industrial sector. Additionally, the USGS uses the gas chromatograph strictly for research (not research in industry). Therefore, operations at both locations should be billed only as annual fee category 3M (program code 03620).

I have attached on the following page, wording taken directly from the NRC Regulations and NUREG 1556 Volume 20. Thank you in advance to your attention in this matter.

Sincerely,
Darrell Liles, CHP, PE
(dliles@usgs.gov)
(303)236-4726 phone

A handwritten signature in black ink that reads "Darrell Liles". The signature is written in a cursive style with a large, looping initial "D".

NUREG 1556 Volume 20

Measuring Systems Gas Chromatographs

**Program Code
03123**

Measuring Systems Gas Chromatograph licenses are issued for the possession and use of gas chromatographs to be used for quality control testing in industrial processes.

10 CFR Citation: Part 30.33

Inspection Program Category: K
Priority: 7

Fee Category: 3P Fee

10 CFR 170.31 License Fee
10 CFR 171.16 Annual Fee

Research and Development Other

**Program Code
03620**

Research and Development Other licenses are issued for the possession and use of specifically designated radionuclides in academic institutions, industrial facilities, and medical institutions for non-human research.

10 CFR Citation: Part 30.33

Inspection Program Category: E
Priority: 5

Fee Category: 3M

10 CFR 170.31 License Fee
10 CFR 171.16 Annual Fee

10CFR170.31 Regulations for category 3M

Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution.

10CFR170.31 Regulations for category 3P

All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 15, 2008

Department of the Interior
ATTN: Darrell Liles, CHPK, PE
U.S. Geological Survey
Box 25048 MS-974
Denver, CO 80225

Dear Mr. Liles:

The purpose of this letter is to respond to your letter dated June 16, 2008, contesting the assignment of fee category 3P (for use in gas chromatographs for sample analysis), pertaining to license numbers 24-12728-01 and 39-25372-01. Your letter indicated that the U.S. Nuclear Regulatory Commission previously assessed a fee for activities for both licenses under fee category 3M (research and development). You assert that the United States Geological Survey (USGS) uses the gas chromatograph strictly for research. You also assert that based on the explanation of fee category 3P under regulations 10 CFR 170.31 and NUREG 1556 Volume 20, will subject you only to the 3M fee category.

Our Region I (King of Prussia, PA) licensing staff reviewed license number 39-25372-01 and confirmed that the assessment for a 3P fee category for use in gas chromatographs for sample analysis is part of the authorized material permitted for use under the 3M fee category for research and development. Therefore, we are canceling the assessment of fee category 3P from USGS' license numbers 39-25372-01 and 24-12728-01.

Enclosed are revised invoices for license number 24-12728-01 for fiscal years (FY) 2005 through 2008 deleting fee category 3P. Also, enclosed are revised invoices for license number 39-25372-01, reflecting a current invoice date and the deletion of fee category 3P for FY 2002 through 2008. For any fee related questions, you may contact Ms. Shirley Crutchfield, of my staff, at 301-415-6097.

Sincerely,

Shirley Crutchfield
for

Mona S. Williams, Chief
License Fee Team
Division of Financial Management
Office of the Chief Financial Officer

Enclosures:
As stated

ORIGIN ID:COLIA (573) 441-2958
VANESSA VELEZ
4200 NEW HAVEN RD
COLUMBIA, MO 65201
UNITED STATES US

SHIP DATE: 07AUG18
ACTWGHT: 1.00 LB
CAD: 101615469/NET4040
BILL SENDER

TO PATRICIA J. PELKE
U.S. NREC REGION III
2443 WARRENVILLE RD

LISLE IL 60532

(573) 875-5399 REF:
NV. DEPT:
PO.

552J13399DCA6

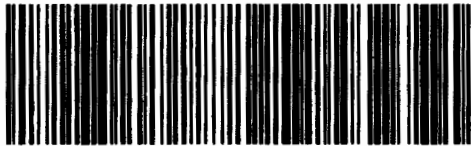


THU - 09 AUG 4:30P
** 2DAY **

TRK# 7729 1366 4868
0201

SH ENLA

60532
IL-US ORD



RECEIVED AUG 09 2018

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Tomczak, Tammy

From: Pelke, Patricia
Sent: Wednesday, June 20, 2018 2:20 PM
To: corazio@usgs.gov
Cc: Fees_RegionIII
Subject: Change to NRC License No. 24-12728-01 issued to U.S. Geological Survey

Mail Control Number: 588619
Docket Number : 3005146
License Number : 24-12728-01
Licensee Name : U.S. Geological Survey

Dear Dr. Orazio,

Region III recently completed a data review project for all of the licenses we have issued, to confirm that the program codes, fee billing information, and inspection frequency for NRC licensed programs are accurate. Based on our review of your most recent license amendment, we have confirmed the primary program code assigned to your license 03620 with Fee Category 3M is accurate and that a Secondary Program Code 03123 (Fee Category 3P) should have been added when we authorized your possession of gas chromatographs. We have updated our records accordingly. Please note these changes may affect your next NRC billing invoice, since fee category 3P (\$9300.00) was added, in addition to fee category 3M (\$14,800.00). If you have any questions, please contact me at

630-829-9868. You may find the current NRC fee schedule at: <<https://www.nrc.gov/reading-rm/doc-collections/cfr/part171/>> <https://www.nrc.gov/reading-rm/doc-collections/cfr/part171/>. Please note the NRC revises its fees on annual basis.

Sincerely – Patty Pelke

Patricia J. Pelke

Chief, Materials Licensing Branch

Division of Nuclear Materials Safety

NRC Region III

Office: 630-829-9868

Cell: 630-453-7639

Fax: 630-515-1259