

Tomczak, Tammy

From: Pelke, Patricia
Sent: Monday, September 10, 2018 1:52 PM
To: Tomczak, Tammy
Subject: FW: NRC Response RE: Fee Category 3P Assigned to NRC License No. 24-12728-01/Docket No, 030-05146
Attachments: RE: USGS Does not Agree with Fee Categories Assigned to LN 24-12728-01; ML18221A302; Fee Category 3P Assigned to NRC License No. 24-12728-01/Docket No, 030-05146; Change to NRC License No. 24-12728-01 issued to U.S. Geological Survey

Hi Tammy,
Please add the attached and email below to ADAMS – these are all public documents. All of the documents should be profiled for USGS Docket No. 03005146; License No. 24-12728-01. Let me know if you have any questions. Thanks - Patty

From: Pelke, Patricia
Sent: Monday, September 10, 2018 1:42 PM
To: 'vvelez@contractor.usgs.gov' <vvelez@contractor.usgs.gov>
Cc: 'corazio@usgs.gov' <corazio@usgs.gov>; Fees_RegionIII <Fees_RegionIII@nrc.gov>; Fredericks, Carl <Carl.Fredericks@nrc.gov>; Hutton, Carmean <Carmean.Hutton@nrc.gov>; Blair, Meghan <Meghan.Blair@nrc.gov>; Coyle, James <James.Coyle@nrc.gov>; Riner, Kelly <Kelly.Riner@nrc.gov>
Subject: NRC Response RE: Fee Category 3P Assigned to NRC License No. 24-12728-01/Docket No, 030-05146

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

Dear Ms. Velez,
This is in follow-up to my email dated August 9, 2018 regarding your letter dated August 6, 2018 and documentation you included from 2008 regarding the fee categories assigned to the subject license. You had inquired about whether or not it was appropriate for the NRC to assess fees under the 3P fee category for the nickel-63 gas chromatographs authorized on the subject license.

Please note the Accounts Receivable Branch from the Office of the Chief Financial Officer provided the following information: the OCFO made a mistake in granting the fee waiver for the 3P fee category for USGS in 2008. The OCFO will not retroactively assess fees back to 2008 to collect what should have paid under fee category 3P. The USGS is licensed to use Hydrogen-3, Carbon-14, and Phosphorus-33 with an authorized use of "For use as tracers in biological system studies for research and development as defined in 10 CFR 30.4. They are also licensed to use Nickel-63 with an authorized use of "To be used for sample analysis in compatible gas chromatography devices that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution". In addition, there are other similar licenses issued to other organizations (e.g., the US Environmental Protection Agency; NRC License No. 34-12736-02; Docket No. 030-13379) who are authorized to use nickel-63 in the same way and they are assessed fees for both the 3M and 3P activities.

As I mentioned in my previous email, 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. IF you have any further questions regarding this matter, please contact me.

If you have any further questions regarding your license fees, please contact Kelly Riner of the Accounts Receivable Branch at kelly.riner@nrc.gov or 301-415-6246 or 304-725-6712.

We consider this matter closed and appreciate your patience. Many thanks – Patty

*Patricia J. Pelke
Chief, Materials Licensing Branch
Division of Nuclear Materials Safety
NRC Region III
Office: 630-829-9868
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From: Pelke, Patricia

Sent: Thursday, August 09, 2018 12:35 PM

To: 'vvelez@contractor.usgs.gov' <vvelez@contractor.usgs.gov>

Cc: 'corazio@usgs.gov' <corazio@usgs.gov>; Fees_RegionIII <Fees_RegionIII@nrc.gov>; Fredericks, Carl <Carl.Fredericks@nrc.gov>; Hutton, Carmean <Carmean.Hutton@nrc.gov>; Blair, Meghan <Meghan.Blair@nrc.gov>; Coyle, James <James.Coyle@nrc.gov>; Riner, Kelly <Kelly.Riner@nrc.gov>

Subject: Fee Category 3P Assigned to NRC License No. 24-12728-01/Docket No, 030-05146

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.

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