

From: [Ullrich, Betsy](#)
To: [Taylor, Andrew Charles](#)
Cc: [Hulvey, Kimberly Dawn](#); [Williams, Gordon Robert](#)
Subject: RE: TVA response to question
Date: Tuesday, April 20, 2021 6:14:00 AM
Attachments: [image001.png](#)

All,

Following our discussion last Friday, the question of whether or not your Statement of Intent (SI) and the Certification of Financial Assurance (CFA) may contain the reference to Part 70 materials, which are not authorized by your license, was discussed at a meeting which included managers for the three regions which issue materials licenses and representatives of our program office. It was agreed by all that the SI and the CFA may only list the materials that your license authorized.

In addition, I reviewed our standard license condition, and it is a condition which requires editing to remove the references to regulations which are not applicable, so Part 70 should not have been listed in the condition. I will issue a Corrected Copy of the license to remove the references to Parts 40 and 70.

Please submit a revised SI and CFA to support License No. 41-08165-18, which currently authorizes only byproduct material covered by 10 CFR Part 30.

If you have any questions, please contact me again,
Betsy

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From: Taylor, Andrew Charles <actaylor@tva.gov>
Sent: Tuesday, April 13, 2021 11:08 AM
To: Ullrich, Betsy <Elizabeth.Ullrich@nrc.gov>
Cc: Hulvey, Kimberly Dawn <kdhulvey@tva.gov>; Williams, Gordon Robert <grwilliams1@tva.gov>
Subject: [External_Sender] TVA response to question

Elizabeth Ullrich, MS, CHP
Senior Health Physicist
Commercial, Industrial, R&D and Academic Branch
Division of Nuclear Materials Safety
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Betsy –

Thanks for your question to Kim Hulvey of TVA last Thursday April 8, about our letter of March 8th that provided financial assurance for Byproduct Materials License Number 41-08165-18 for TVA’s Central Laboratories Services Building and Norris Engineering Laboratory.

I believe that your specific question was “*should TVA be referencing Part 70 in correspondence related to this material license?*”

Our understanding of the regulations related to this license leads us to answer YES.

License Condition #13 on this license contains a reference to Part 70 [70.25(d)]

That Condition #13 is the new “possession limits” condition that we requested in December 2020, to allow us to submit a CFA based on “the prescribed amount in 10 CFR 30.35(d) and 70.25(d)” in lieu of submitting an updated DFP as the basis for the required amount.

Our request for this Condition #13 was based on the standard-wording of this condition.

Thus, we believe it is proper to reference Part 70 in correspondence related to this license.

In addition, our past submittals (in 2018) related to this license had referenced Part 70.

If you have any guidance on the use of Part 70 as a reference for this license, then this would be appreciated.

Respectfully,

Andy

Andrew Taylor, P.E., F.ASME

Senior Program Manager, Fleet Licensing

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