

Received 10/27/23



Mail Control Number: 637745
Docket Number : 3038058
License Number : 04-29353-01
Licensee Name : GES-AIS, LLC

October 27, 2023

VIA Electronic Mail

Roberto J. Torres, M.S. Senior Health Physicist
Materials Licensing Branch
Division of Radiological Safety & Security
U.S. Nuclear Regulatory Commission, Region IV
(email: roberto.torres@nrc.gov)

SUBJECT: Request to Clarify NRC Changes to License No. 04-29353-01 (Docket No. 030-38058)

Dear Mr. Torres:

By this letter, GES-AIS, LLC (GES) requests clarification of changes made by the NRC in Amendment 12 to the above license. Because these changes were not requested by GES, their purpose and intent are not entirely clear to us. Some changes have created uncertainty regarding their implications on what activities involving licensed material are compliant and what activities are not. After careful review, we do not understand fully the license conditions listed below and, therefore, request clarification.

List of License Condition Clarifications Requested by GES

License Condition	Amendment 12 License Provision	Clarification Requested
8	No possession of radioactive material is authorized under license.	Considering License Condition 8 authorizes no possession of radioactive material, please clarify what byproduct, source, and special nuclear material may be received, acquired, and transferred under license.
10	The receipt, storage, and use of radioactive material is authorized incidental to the listed activities.	Please clarify the factors that distinguish the receipt, storage, and use of radioactive material authorized in License Condition 10 from the possession of radioactive material prohibited in License Condition 8.
11	Licensee may not take possession of radioactive material from a client's site without prior NRC approval.	Please clarify how this license condition is not redundant as License Condition 8 authorizes no possession of radioactive material regardless of its source, including from a client's site.
12	Licensee is exempted from the requirements of 10 CFR 30.35, 40.36, and 70.25 from establishing decommissioning financial assurance.	Please clarify how this license condition is not redundant as License Condition 8 authorizes no possession of radioactive material, which is a necessary element of the regulatory requirement to establish decommissioning financial assurance.

List of License Condition Clarifications Requested by GES

License Condition	Amendment 12 License Provision	Clarification Requested
13	<i>“Licensed materials shall be used only at temporary job sites of the licensee...”</i>	Please clarify the term, ‘ <i>licensed materials</i> ’ relative to the receipt, storage, and use of radioactive material authorized in License Condition 10 and possession of radioactive material prohibited in License Condition 8.
15	<i>“In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material...”</i>	Please clarify how this license condition is not redundant as License Condition 8 authorizes no possession of radioactive material.
16	The requirement to notify the NRC excludes <i>“...characterization and/or final surveys where neither radioactive materials nor radiation are likely to be detected.”</i>	Please clarify what constitutes ‘ <i>radioactive materials</i> ’ and ‘ <i>radiation</i> ’ as those terms are intended in this license condition, and whether one or both terms are encompassed within the term, ‘ <i>licensed materials.</i> ’
22	<i>“The licensee shall conduct a physical inventory...to account for all sealed sources and/or devices received and possessed under license.”</i>	Please clarify how this license condition is not redundant as License Condition 8 authorizes no possession of radioactive material, including sealed sources and/or devices.
24	<i>“Except for calibration sources, reference standards, and radioactively contaminated equipment owned by the licensee,...”</i>	Considering License Condition 11 prohibits ownership of radioactive material originating from a client’s site without prior NRC approval, please clarify what calibration sources, reference standards, and radioactively contaminated equipment originating from other than a client’s site may be owned under license.
25	<i>“Before taking possession of licensed material at a temporary job site...”</i>	Please clarify how this license condition is not redundant as License Condition 8 authorizes no possession of radioactive material.
27.A	<i>“Except as provided for in paragraph B of this license condition, any activity...must be performed in accordance with the customer licensee’s NRC-approved decommissioning plan...”</i>	Please clarify whether the NRC expects the licensee to comply with this license condition in ways other than as directed by the customer licensee and relying on the customer licensee’s representations and/or assurances.
27.B	<i>“If the customer licensee is not required to submit a decommissioning plan to the NRC and if the customer licensee’s operations at a temporary job site have been limited to the use of...:”</i>	Please clarify whether the NRC expects the licensee to comply with this license condition in ways other than relying on the customer licensee’s representations and/or assurances.

List of License Condition Clarifications Requested by GES

License Condition	Amendment 12 License Provision	Clarification Requested
27.C	<i>“Any activity proposed...that is not covered by either paragraph A or B of this license condition must be approved by the NRC through a site-specific license amendment or exemption request.”</i>	Please clarify whether the referenced site-specific license amendment or exemption request refer to action taken by the licensee or customer licensee. If reference is to the licensee, please clarify whether such action can be taken by the licensee regardless of action (or lack of action) by the customer licensee.

Thank you for your consideration. We believe the clarifications provided by the NRC will assist us greatly in our efforts to remain in compliance with the license, as amended.

If you have any questions, please do not hesitate to contact me at (360) 751-4172 or email me at JCCooper@GES-AIS.com.

Sincerely,



Jerry C Cooper
Radiation Safety Officer

Cc: Carol Hill (carol.hill@nrc.gov)
R4 Licensing Action Submittals (R4LicensingActionSubmittals.Resource@nrc.gov)

From: [Cooper, Jerry](#)
To: [Roberto Torres](#)
Cc: [Carol Hill; R4 Licensing Action Submittals](#)
Subject: [External_Sender] Request to Clarify NRC Changes to License No. 04-29353-01 (Docket No. 030-38058)
Date: Friday, October 27, 2023 1:14:16 PM
Attachments: [image003.png](#)
[2023 10 27 Ltr GES to NRC \(amendment 12 clarification request\).pdf](#)

Mr. Torres:

Attached please find GES' request for clarification of changes made by the NRC in Amendment 12 to the above license. After careful review, we do not understand fully the effect of the NRC changes on the license conditions and, therefore, request clarification.

Thank you.

Jerry Cooper

Jerry Cooper, CHP

Principal Health Physicist/Corporate RSO

GES | [MBE](#)

Mobile | 360.751.4172

JeCooper@GES-AIS.com

[GES-AIS.COM](#)





ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

Name and Address of Applicant and/or Licensee

GES-AIS, LLC
Jerry C. Cooper, RSO
1501 West Fountainhead Parkway
Suite 550
Tempe, AZ 85282

Date

11/01/2023

License Number(s)

04-29353-01

Mail Control Number(s)

637745

Licensing and/or Technical Reviewer or Branch

Giavanna Muffelletto

This is to acknowledge receipt of your: Letter and/or Application Dated: 10/27/2023

The initial processing, which included an administrative review, has been performed.

Amendment Termination New License Renewal

There were no administrative omissions identified during our initial review.

This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>
Follow the instructions on the form for submission.

The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

**Region IV
U. S. Nuclear Regulatory Commission
DNMS/NMSB - B
1600 E. Lamar Boulevard
Arlington, TX 76011-4511
(817) 200-1103 or (817) 200-1140**

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM WBL

Program Code: 03234
Status Code: Pending Amendment
Fee Category: 1D 3N 4B
Exp. Date: 11/30/2034
Fee Comments: 3N exempt under 4B in 171.16 3N(2)
Decom Fin Assur Reqd: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: GES-AIS, LLC
Received Date: 10/27/2023
Docket Number: 3038058
Mail Control Number: 637745
License Number: 04-29353-01
Action Type: Notifications

2. FEE ATTACHED

Amount: N/A

Check No.: N/A

3. COMMENTS

Signed: Giavanna Muffelletto

Date: 11/1/23

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment: _____

Renewal: _____

License: _____

3. OTHER _____

Signed: _____

Date: _____

Agency: NRC

WBL WORKSHEET

DOCKET NUMBER: 3038058 LICENSE NUMBER: 04-29353-01 STATUS: Pending Amendment

MAIL CONTROL NUMBER: 637745 RECEIPT DATE: 10/27/2023 ACTION TYPE: Notifications

DUE DATE: 01/25/2024 INST. CODE: 29353 LICENSE REGION: Region 4

LICENSE TYPE: 30 ENTITY TYPE: C LICENSE GROUP: Industrial

ISSUE DATE: 10/11/2023 ORIGINAL DATE: 10/13/2009 EXPIRATION DATE: 11/30/2034

DECOMMISSIONING CATEGORY: LAST ISSUE DATE: 10/11/2023

LICENSEE NAME: GES-AIS, LLC DECOM FIN ASSUR REQD: N
SUBM: N

MAILING ADDRESS LINE1: 1501 West Fountainhead Parkway CONT PLAN REQD: N APPRV: N

MAILING ADDRESS LINE 2: Suite 550

CITY: Tempe STATE: AZ ZIP: 85282

CONTACT PERSON: PREFIX: FIRST NAME: Jerry MIDDLE INITIAL: C.

LAST NAME: Cooper SUFFIX:

JOB TITLE: Corporate Radiation Safety Offi PHONE: 480-646-3157 FAX: EMAIL: JCCooper@GES-AIS.c

BILLING ADDRESS LINE 1:

BILLING ADDRESS LINE 2:

CITY: STATE: Arizona ZIP:

BILLING CONTACT PERSON: FIRST NAME: MIDDLE INITIAL: LAST NAME:

PHONE: EMAIL: FAX:

PRIMARY PGM CODE: 03234 SECONDARY PGM CODE: 03219,03225,22110,22111,22150,22151

INSPECTION REGION: Region 4 PRIORITY: 2

RSO: PREFIX: FIRST NAME: Jerry MIDDLE INITIAL: C. LAST NAME Cooper

SUFFIX: RSO JOB TITLE: Corporate Radiation Safety Officer

RSO PHONE: 480-646-3157 RSO FAX: RSO EMAIL: JCCooper@GES-AIS.com

STATES WHERE USE IS AUTHORIZED: 3
0- ALL LISTED STATES
1- SAME AS STATE IN ADDRESS
2- ALL STATES
3- NON-AGREEMENT-STATES

AUTHORIZED STATES (USE ONLY IF ABOVE IS ZERO):