



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD
ARLINGTON, TX 76011-4511

May 10, 2024

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

SUBJECT: NRC RESPONSE TO GES-AIS, LLC, LETTERS DATED OCTOBER 27, 2023
AND MARCH 18, 2024

Dear Jerry Cooper:

The U.S. Nuclear Regulatory Commission (NRC) has received your letters dated October 27, 2023 (ML23305A302), and March 18, 2024 (ML24080A505), in which you requested clarification to changes made to NRC license 04-29353-01 during the issuance of amendment 12 on October 11, 2023. The NRC also held a conference call with you on March 26, 2024, to obtain additional information, and our understanding is that you are specifically seeking clarification of what constitutes “possession” versus “use” within the context of amendment number 12 to NRC license number 04-29353-01.

The NRC license number 04-29353-01 authorizes the “use” (not possession) of certain byproduct, source and special nuclear material as indicated in item numbers 6, 7 and 8 of the licenses. The “use” is further defined in item 9 and condition 10 of the license as a receipt, storage and use incidental to any of the following activities at a customer’s temporary job site location:

- A) any activity related to site characterization, decontamination and decommissioning of facilities, equipment, and containers;
- B) packaging and repackaging of customer waste for transport;
- C) transport in packages or containers approved for use under the provisions of 10 CFR Part 71, for transport to licensees authorized to receive the materials, in accordance with the terms and conditions of licenses issued by the NRC or an Agreement State;
- D) use in performing leak tests and sample analysis as a commercial service for any person as defined in 10 CFR 30.4; and
- E) instruction of individuals.

J. Cooper

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Under the terms of the NRC license, the licensee is authorized to “use” the customer’s material for the activities described above with the understanding that the “ownership and possession” of the material belongs to the customer. Any control exercised by the licensee of the customer’s material at the customer’s location, within the scope of the terms of the NRC license, constitutes “use” by the licensee of the customer’s material, with the customer retaining “ownership and possession” of the material.

In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice,” a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC’s document system (ADAMS). ADAMS is accessible from the NRC Web site at www.nrc.gov/reading-rm/adams.html.

Sincerely,



Signed by O'Keefe, Cornelius
on 05/10/24

Neil F. O'Keefe, Chief
Materials Licensing Branch
Division of Radiological Safety and Security

Docket No. 030-38058
License No. 04-29353-01
Control No. 640058

NRC RESPONSE TO GES-AIS, LLC, LETTER DATED MARCH 18, 2024 - DATED MAY 10, 2024

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ADAMS ACCESSION NUMBER: **ML24128A028**

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