

U.S. NUCLEAR REGULATORY COMMISSION**Date:** January 13, 2012**TELEPHONE CONVERSATION RECORD**

Mail Control or Report No(s).	N/A	License No(s).	Non-Licensee	Docket No(s).	99990001
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Name of Licensee: Clay Point Associates, Inc.

Name of Participant(s): Kyle Austin, Technician; Kensha Hutchins, Technician; Todd Hobson, President
Laurie Kaufmann and Steven R. Courtemanche, Health Physicists NRC RI

Telephone No. 802-879-2600, 610-337-5323; 610-337-5075

Subject: NARM Reconciliation Project

(NOTE: This will be used as the Documents Title in ADAMS)

8/12/2011 Ms. Kaufmann spoke with Kyle Austin. The licensee's address is now 25 Bishop Ave., Willston, VT. They own an RMD Instruments LPA1 (SN 2471). Mr. Austin thought it best if Todd Hobson, President, spoke with me regarding the device.

1/4/2012 (15:00) The receptionist informed me that there was no one in the office to take my call. She would inform Mr. Hobbson to contact me tomorrow.

(18:44) Mr. Hobbson returned my call but I was not in the office at that time.

1/5/2012 (10:00) Mr. Courtemanche spoke with Mr. Hobbson about the RMD XRF. He confirmed that the company only has one device and that it is used only in the State of Vermont. Attempts to perform work in New Hampshire did not occur because of the slow turnaround time in approval by the State of New Hampshire regulatory authority. After he read the labels on the device to me, it was determined that the device was specifically-licensed and the last source change was performed on June 24, 2011. Even though the company had work assigned with the gauge next week, Mr. Hobbson agreed to place the device in storage until he contacted an RMD representative and followed the procedures involved in making the device generally-licensed. I went over the EPAct of 2005 and the ramifications of the law. Mr. Hobbson stated that he did not know of the EPAct of 2005 and had not been told by either RMD or the State of Vermont that the NRC now had jurisdiction over the device. I had Mr. Hobbson print out a copy of 10 CFR 31.5 and told him that those were the regulations governing use of the device and if he had any questions he could contact me. I informed Mr. Hobbson that the NRC would be issuing a letter concerning the matter once the gauge was properly labeled and that once labeled the device could be used without waiting for any contact from the NRC.

1/13/12 (16:00) I was informed that Mr. Hobbson was out of the office and I spoke with Ms. Hutchins. She stated that the company had received the packet with the labels and forms on 1/6/12 and they were promptly completed and faxed back to RMD. The devices were then relabeled in accordance with the instructions provided by RMD. I informed her that if the device was properly labeled then it could be used without further communication with the NRC. A letter would be issued concerning the matter and enforcement discretion would be exercised with no violation being issued.

Action Required: Document this telephone record in the RI NARM folder in ADAMS (ID No. 1303408177).

Document Availability:

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Sensitive- Proprietary

Sensitive – Privacy Act/ PII

Sensitive – Internal

Sensitive – Security-Related

<input type="checkbox"/> Immediate Release	Normal Release Date: 01/24/2012	Delayed Release Date:
SUNSI Review Completed By: <u>Steven R. Courtemanche</u>	<u>/ RA /</u>	Document Accession #: <u>ML120130606</u>