

Haverkamp, Trisha

From: Ullrich, Elizabeth
Sent: Monday, August 06, 2018 9:20 AM
To: Ribaudo, Cathy (NIH/OD/ORS) [E]; Tripp, Lester
Cc: Haverkamp, Trisha; Pfingsten, Jonathan; Roberson, Michael (NIH/OD/ORS) [E]; Lanzisera, Penny; Weidner, Tara; Nguyen, Janice
Subject: RE: RE: RE: FW: Fee Change

I take it back, Kathy!!! You are correct!. 170 is the application fee, and 171 is the annual fee. YOUR numbers are correct.

Betsy

From: Ribaudo, Cathy (NIH/OD/ORS) [E] [mailto:ribaudoc@ors.od.nih.gov]
Sent: Friday, August 03, 2018 3:52 PM
To: Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>; Tripp, Lester <Lester.Tripp@nrc.gov>
Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Pfingsten, Jonathan <Jonathan.Pfingsten@nrc.gov>; Roberson, Michael (NIH/OD/ORS) [E] <roberson@ors.od.nih.gov>; Lanzisera, Penny <Penny.Lanzisera@nrc.gov>; Weidner, Tara <Tara.Weidner@nrc.gov>; Nguyen, Janice <Janice.Nguyen@nrc.gov>
Subject: [External_Sender] RE: RE: FW: Fee Change

Hi Betsy, thanks! Perhaps it is my error; I was looking at Table 171.16, whereas I see your numbers come from Table 170.31. Let me discuss with a few folks here, and we will let you know soon. I appreciate your clarification. Have a great weekend,
Cathy

From: Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>
Sent: Friday, August 03, 2018 7:24 AM
To: Ribaudo, Cathy (NIH/OD/ORS) [E] <ribaudoc@ors.od.nih.gov>; Tripp, Lester <Lester.Tripp@nrc.gov>
Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Pfingsten, Jonathan <Jonathan.Pfingsten@nrc.gov>; Roberson, Michael (NIH/OD/ORS) [E] <roberson@ors.od.nih.gov>; Lanzisera, Penny <Penny.Lanzisera@nrc.gov>; Weidner, Tara <Tara.Weidner@nrc.gov>; Nguyen, Janice <Janice.Nguyen@nrc.gov>
Subject: RE: RE: FW: Fee Change

Cathy,

Whatever works best for you is fine with us but please see below...the difference in cost is only about \$2800.

Your current primary program code is 02110, fee category 7B, for a medical broad scope license. Next year, the fee for a medical broad with

- up to 5 locations will be \$8600;
- with 6-20 locations, the new code 04710, fee category 7B(1), and cost \$11,400; and
- with more than 20 locations will be program code 04711, fee category 7B(2) with a cost of \$14,200.

That difference is not quite as large as you stated below. Amending the license to 11 locations will cost you \$11400 and keeping it as is will cost \$14200, a difference of only \$2800.

And in case I was not clear, I believe that the Bethesda campus is a contiguous location, so only counts as one location. I don't recall how the Twinbrook Parkway location is set up, if those separate buildings are part of a contiguous campus or not.

I am copying the medical branch folks so they are aware of why you are coming in for this amendment, IF you come in to amend. If you get the amendment in the next couple weeks, we should be okay. We will not be changing to the new codes until September, for billing in the next fiscal year.

Thanks for getting back to us on this.
Betsy

From: Ribaudo, Cathy (NIH/OD/ORS) [E] [<mailto:ribaudo@ors.od.nih.gov>]
Sent: Thursday, August 02, 2018 7:44 PM
To: Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>; Tripp, Lester <Lester.Tripp@nrc.gov>
Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Pfingsten, Jonathan <Jonathan.Pfingsten@nrc.gov>; Roberson, Michael (NIH/OD/ORS) [E] <roberson@ors.od.nih.gov>
Subject: [External_Sender] RE: FW: Fee Change

Hi Betsy,

I really appreciate your thorough explanation, and have to say that I was still operating under the “old” understanding that our off-site buildings were individually listed as radiological use areas on the license. Lo and behold Condition 10A of the license has been worded this way for many years. Thus my confusion when Lester was explaining the 20+ locations of use; in all honesty I presumed it was due to the capability of performing LLEA training exercises. Now that I have been duly refreshed in the wording of my own license (!) I can see where you are coming from.

It boils down to either:

- a. Keep current license wording and pay the highest fee, while benefiting from the allowance to add locations of use without a license amendment each time; or
- b. Change license wording to individually list each location of use, while benefiting from the lower fee (well, medium fee) with the understanding that a license amendment would be needed each time a new satellite building is added.

Does that sound about right? By my count, we currently have 11 locations of use (counting each Twinbrook building separately). For an approximate \$10K in annual savings, we could restrict ourselves to these locations and require an amendment if ever new sites need to be added – risking the point becoming moot if we got to 20 total sites. I honestly think the odds are slim of that happening, so if it’s all the same to you, I think we’ll elect to amend our license with this “individually listed locations of use” stipulation.

I’ll draft up an amendment request and send it out to you ASAP. Will that be OK? Is there anything in my explanation that needs to be clarified? Thanks, as always, for your help.

Best regards,
Cathy

Catherine Ribaudo
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From: Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>
Sent: Wednesday, August 01, 2018 1:55 PM
To: Ribaldo, Cathy (NIH/OD/ORS) [E] <ribaudoc@ors.od.nih.gov>; Tripp, Lester <Lester.Tripp@nrc.gov>
Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Pfingsten, Jonathan <Jonathan.Pfingsten@nrc.gov>
Subject: RE: FW: Fee Change

Cathy,

I just want to clarify my understanding of how your license is written, so we make a correct change:

Condition 10 A authorizes use at any location under the control of NIH. This authorization allows more than 20 locations because it does not specify addresses, so we are going to change your program code to the new program code and increased fee for MORE THAN 20 locations of use. This condition is separate from the authorization to work at temporary job sites [which are not considered in the count of locations of use].

Based on the last inspection, you are actually working at the Bethesda, Poolesville and Twinbrook Parkway locations under NIH control, and at Fort Detrick. Depending on whether or not the Twinbrook Parkway is a contiguous campus, this could be less than 5 locations BUT you would have to amend the license to restrict use to such specified locations to stay in the current program code/fee category.

Please get in touch with Lester or me if you think you would want to amend the license. Otherwise, we will go ahead and make the change to 'greater than 20 locations' for the next fiscal year.

Betsy

Betsy Ullrich, Senior Health Physicist
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Elizabeth.ullrich@nrc.gov

From: Ribaldo, Cathy (NIH/OD/ORS) [E] [<mailto:ribaudoc@ors.od.nih.gov>]
Sent: Tuesday, July 24, 2018 6:49 PM
To: Tripp, Lester <Lester.Tripp@nrc.gov>
Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>
Subject: [External_Sender] FW: Fee Change

Hi Lester,

Can you clarify this interpretation about the training sites authorized on our broad scope license? We do state (in a reference letter) that these are temporary job sites, so given that, would these still count as "use locations" for purposes of the NRC license fee? See the email below from my Deputy Director Mike Roberson.

Thanks!

Cathy

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From: Roberson, Michael (NIH/OD/ORS) [E]
Sent: Tuesday, July 24, 2018 1:11 PM
To: Ribaldo, Cathy (NIH/OD/ORS) [E] <ribaudoc@ors.od.nih.gov>
Subject: RE: Fee Change

They are applying their rule incorrectly. Our Oct 9, 2012 letter that is specifically listed in condition 9A says “The amendment is a request for approval to use radiation sources at **temporary job sites** for training local law enforcement agencies (LLEA) in first responder activities.” (emphasis added). The definition of location, item 3, says temporary sites do not count.

I believe we are in the 6-20 category.
Mike

From: Ribaldo, Cathy (NIH/OD/ORS) [E]
Sent: Tuesday, July 24, 2018 12:27 PM
To: Lacy, Victor (NIH/OD/ORS) [E] <lacyv@ors.od.nih.gov>
Cc: Roberson, Michael (NIH/OD/ORS) [E] <robersom@ors.od.nih.gov>
Subject: FW: Fee Change

Per the NRC’s newest regulatory revision in this attached Federal Register notice, our annual Broad Scope license fee will increase because we have multiple locations of use:

1-5 locations of use = \$30,900
6-20 locations of use = \$40,700
20+ locations of use = \$50,500 * this is us

Mike – I did confirm in our license that we are authorized to perform LLEA training exercises anywhere in the United States, hence the 20+ locations of use. Apparently it’s been that way ever since Amendment 111, even though our 2012 amendment request was just for performing training exercises in the WDC area. I guess I never noticed the implication of the license authorizing sites all through the U.S.

Thanks,
C

From: Tripp, Lester <Lester.Tripp@nrc.gov>
Sent: Tuesday, July 24, 2018 9:37 AM
To: Ribaldo, Cathy (NIH/OD/ORS) [E] <ribaudoc@ors.od.nih.gov>
Subject: FW: Fee Change

From: Tripp, Lester
Sent: Tuesday, July 24, 2018 9:07 AM

To: 'ribaudoc@ors.od.nih.org' <ribaudoc@ors.od.nih.org>

Subject: FW: Fee Change

From: Tripp, Lester

Sent: Tuesday, July 24, 2018 9:05 AM

To: 'ribausdoc@ors.od.nih.gov' <ribausdoc@ors.od.nih.gov>

Cc: Haverkamp, Trisha <Trisha.Haverkamp@nrc.gov>; Ullrich, Elizabeth <Elizabeth.Ullrich@nrc.gov>

Subject: Fee Change

Department of Health and Human
Services
National Institutes of Health
19-00296-10
03001786

Cathy Ribaudo

As we discussed by telephone on July 23, 2018, the following change may affect your license:

On June 25, 2018, the NRC amended 10 CFR 170.31 and 171.16 to add new subcategories for seven fee categories. Generally speaking, 10 CFR 170.31 and 10 CFR 171.16 assign the same fee to each licensee in the fee category, regardless of the number of locations of use that are authorized on the license. However, for some of these fee categories, the NRC staff determined that additional resources are required for licenses with multiple locations of use.

Therefore, the final 2018 fee rule includes new subcategories for each of the seven fee categories listed below, based on the number of locations of use (e.g. subcategories for 1–5, 6–20, and more than 20 locations of use):

- Manufacturing broad scope licenses under fee category 3.A.
- Other manufacturing licenses under fee category 3.B.
- Medical product distribution licenses under fee category 3.C.
- Industrial radiography licenses under fee category 3.O.
- Other byproduct licenses (e.g., portable and fixed gauges, measuring systems) under fee category 3.P.
- **Medical licenses under fee categories 7.A. and 7.B.**

The final 2018 fee rule, including the cost for each fee category, may be found on the NRC's public website at the following address: <https://www.nrc.gov/about-nrc/regulatory/licensing/fees.html#fee>

The NRC staff has developed new program codes for these new fee subcategories. A table at the end of this email maps the new program codes to the new fee subcategories.

Based on our review of the Location of Use license condition (typically Condition No. 10) on your license, we have determined that you have six or more locations of use and that your fee category and program code will change. Based on the information currently specified on your license, your fee category and program code will change from Fee Category 7B to 7B2 and Program Code 02110 to 04711

Location of use has been defined as the following:

1. An individual building or facility at one address.
2. A contiguous licensee-controlled geographic area, such as a campus or licensee-owned/operated/controlled business campus or park, is considered a single "location of use" and only

one address is listed on the license. Sites that are not contiguous but are located in separate parts of a city, different city or state, are separate “locations of use” and separate addresses are listed on the license.

3. A temporary job site is not a “location of use.” In addition, use of licensed materials at sea or on board a ship may be a separate location, specifically listed on the license, if it is a permanent job site. If use at sea is not a permanent location but is a temporary job site, then it is not a separate location and its address will not be listed on the license.

If the locations of use currently listed on your license are not accurate and need to be revised, please submit the new information regarding each location of use. Your license may be amended accordingly based on the information you provide. If you have any questions concerning this change, please contact me at 610-337-5358 and email lester.tripp@nrc.gov .

In accordance with 10 CFR 2.390, a copy of this email will be available electronically for public inspection in the NRC Public Document Room or from the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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