

Conference Call Summary
Conference Call to Discuss Application Fee Requirements for
Exempt Distribution license under 10 CFR 32.14
Held between the NRC and Bruker Detection, Corp
July 11, 2012

This document summarizes distribution and conclusions of a meeting held between the Nuclear Regulatory Commission (NRC) and Bruker Detection, Corp. to discuss fee requirements and regulations for distribution of sources with exempt quantities of by-product material.

Attendees:

NRC/FSME/MSSA

Jack Foster, Chief
Shirley Xu
Lymari Sepulveda

Bruker Detection, Corp.

Ken Rebeiro, VP applied Research
Cindy Care, IMS Applications Scientist
Artem Filipenko, Project Scientist
Sean Chapel, IRSC
George Gleason, RSO

Summary

On July 11, 2012, the NRC staff and the Bruker Detection Corp. staff/contractor held a conference call to discuss the application process and fees applicable for their application for an amendment of their exempt distribution license.

The NRC staff provided the participants with a summary of the activities performed during the evaluation of their application and the outcome of such activities. The activities were described as followed:

1. On April the company submitted an application for an amendment of their license under 32.14.
2. On May the staff contacted the RSO to understand how the source was going to be used. During that call the RSO state that no changes will be done to the Spectrum Technologies source and the source was going to be distributed along with the instrument, not as part of the instrument. The source was going to be used as a calibration source.
3. On June we discuss the application with a rulemaking staff, and informed us that this source should be distributed under 10 CRF 32.18 instead of 10 CFR 32.14.
4. Later the NRC staff contacted the Office of Chief Financial Officer, Accounts and Receivable Branch, to find out if a fee was required for this type of action.
5. The Accounts and Receivable Branch informed the NRC staff that this type of amendment requires an application fee of \$11,400 and consequently an annual fee of \$20,200 effective January 2013. As specified in 10 CFR 170.31.

After the introduction we open the lines for questions. Bruker's staff informed us that they believed that for a small activity source no additional fee was required since they are already paying almost \$20,000 in fees of existing licenses. Also they informed us that a check source will cost approximately \$40. The NRC staff asked about the convenience of having the source with the device if the end user can buy the source. Bruker's staff informed that they can design not to use the source but they prefer to use it because it will be a convenience for the customer and will add to the customer experience. The NRC staff suggested to Bruker to study how other licensees do business. The NRC staff explained that the fees applicable are on the regulations and if they have issues with our current fee structure, they will have to request a change in rulemaking and that will be a long process. The NRC staff also explained that the reason the regulations are written that way is because they are trying to cover all the possible scenarios and sometimes it does not work for every situation. The NRC staff points out that if they want to distribute a source that currently distributed under 32.18 they will have to distribute it under 32.18. The NRC staff explains that if the source is not distributed under any NRC license they may be able to distribute the source without a license.

Conclusion

Bruker staff was going to do their research and will notify the NRC staff of the results to get guidance on the applicable regulation. The NRC staff informed them that if they want to proceed with the amendment they will have to provide a new application under 32.14 or 32.18 as applicable with new information