

From: [Modes, Kathy](#)
To: agreen@radiacenv.com
Cc: jspektor@radiacenv.com
Subject: Request for Additional Information dated 3/11/2014
Date: Tuesday, March 11, 2014 11:13:38 AM
Attachments: [NRC 629.Credit Card Payment Authorization form.pdf](#)
[FY 2014 Small Entity Form 526.pdf](#)
Importance: High

March 11, 2014

Docket No. 03012908 License No. 31-17528-01
Control No. 580283

Arthur F. Green
Secretary/Treasurer
Radiac Research Corporation
261 Kent Avenue
Brooklyn, NY 11249

SUBJECT: RADIAC RESEARCH CORPORATION, REQUEST FOR ADDITIONAL
INFORMATION CONCERNING APPLICATION FOR LICENSE RENEWAL,
CONTROL NO. 580283

Dear Mr. Green:

This is in reference to your application dated April 22, 2013, requesting to renew Nuclear Regulatory Commission License No. 31-17528-01. In order to continue our review, we need the following additional information:

1. In regards to your financial assurance exemption request, please answer the following questions:
 - does the Motor Carriers insurance policy automatically renew?
 - does the Motor Carriers insurance cover bankruptcy?
 - what occurs if the Motors Carrier insurance premium is not paid or is cancelled, will NRC be notified by the insurance company (the policy does not renew and there is a lapse in coverage)?
 - how does filing a claim work, does the Motor Carriers insurance company hire a third party contractor to clean up the contamination (pick up the source) or does the insurance company simply payout the money to reimburse for the clean-up? If a payout is made, who is it made to (If the NRC licensee goes bankrupt and is no longer in business who will this payout be made to)?
 - Is it possible to name the NRC on the Motor Carriers insurance policy and have the claims payable to a standby trust account?

- does the insurance always cover 100% of the claim up to the policy limit and is there any type of deductible?
- Please note the NRC insurance requirements and identify how the DOT insurance fulfills the requirements in 10 CFR 30.35(f)(2):
 - (i) The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the Commission, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the Commission within 30 days after receipt of notification of cancellation.
 - (ii) The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the Commission. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.
 - (iii) The surety method or insurance must remain in effect until the Commission has terminated the license.

2. In regards to the annual NRC fees, it has come to our attention that you have not paid your fee. Please find enclosed the Small Entity form and a Credit Card Payment Authorization form. If a payment is not received, this may result in the revocation of the license or a referral of debt to Treasury for collection. If you have any questions regarding fees, please contact Clarence Jenkins at (301) 415-3305.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply within 30 days of receipt of this email. Make sure your reply for Item 1 above is directed to my attention at the Region I Office and refer to Mail Control No. 580283. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5251. In regards to Item 2, please pay the fee as soon as possible.

Sincerely,

Kathy Modes

Kathy Modes
Senior Health Physicist

Decommissioning and Technical Support
Branch
Division of Nuclear Materials Safety

cc:
Joseph A. Spektor, Radiation Safety Officer

**AUTHORIZATION FOR PAYMENT
BY CREDIT CARD**

Estimated burden per response to comply with this voluntary collection request: 5 minutes. Requested information will allow respondents to transfer funds electronically. Send comments regarding burden estimate to the FOIA, Privacy, and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to Infocollects.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0190), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

The NRC is currently accepting credit card payment of fees and other debts. If you wish to pay by credit card, complete the authorization below. If you have any questions, contact NRC's collection service provider, DEVA and Associates at (301) 415-3878.

NAME OF CARDHOLDER		ACCOUNT NUMBER	CARD EXPIRATION DATE
ADDRESS		CARDS ACCEPTED (Check card you are using) <input type="checkbox"/> VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/> NOVUS (DISCOVER) <input type="checkbox"/> AMERICAN EXPRESS	
TELEPHONE	LICENSE NUMBER	SECURITY CODE - 3 DIGITS	
INVOICE NUMBER OR DESCRIPTION	TOTAL AMOUNT OF TRANSACTION	SIGNATURE OF CARDHOLDER	


If you are paying an application or registration fee (including new licenses, amendments, etc.), mail the completed form with your application to the appropriate regional office. For all other payments, send completed form to:

**U.S. Bank
U.S. Nuclear Regulatory Commission
Accounts Receivable Team
P. O. Box 979051
St. Louis, MO 63197-9000**

**PRIVACY ACT STATEMENT
NRC FORM 629
AUTHORIZATION FOR PAYMENT BY CREDIT CARD**

Pursuant to 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission (NRC) on NRC Form 629. This information is maintained as part of a system of records designated as NRC-32 and described at 77 *Federal Register* 67225 (November 8, 2012), or the most recent *Federal Register* publication of the NRC's "Republication of Systems of Records Notices" that is available in the NRC's Agencywide Documents Access and Management System.

- 1. AUTHORITY:** 5 U.S.C. 552a; 5 U.S.C. 5514; 15 U.S.C. 1681; 26 U.S.C. 6103; 31 U.S.C. Chapter 37; 31 U.S.C. 6501-6508; 42 U.S.C. 2201; 42 U.S.C. 5841; 31 CFR 900-904; 10 CFR Parts 15, 16, 170, 171; Executive Order (E.O.) 9397, as amended by E.O. 13478; and E.O. 12731.
- 2. PRINCIPAL PURPOSE(S):** To collect credit card account information and provide authorization for its use to collect a payment or debt.
- 3. ROUTINE USE(S):** Information contained in this system may be disclosed to debt collection contractors or to other Federal agencies for the purpose of collecting and reporting on delinquent debts and to banks enrolled in the Automated Clearinghouse (ACH) Network to collect a payment or debt when the individual has given his or her authorization for this purpose. Information may be disclosed in accordance with any of the Routine Uses listed in the Prefatory Statement of General Routine Uses, including to an appropriate Federal, State, local or Foreign agency in the event the information indicates a violation or potential violation of law; in the course of an administrative or judicial proceeding; to an appropriate Federal, State, local and Foreign agency to the extent relevant and necessary for an NRC decision about you or to the extent relevant and necessary for that agency's decision about you; in the course of discovery under a protective order issued by a court of competent jurisdiction and in presenting evidence; to a Congressional office to respond to their inquiry made at your request; to NRC-paid experts, consultants, and others under contract with the NRC, on a need-to-know basis; and to appropriate persons and entities for purposes of response and remedial efforts in the event of a suspected or confirmed breach of data from this system of records.
- 4. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Providing this information is voluntary. However, not providing the requested information will not provide the NRC the information and authorization required to use your credit card to collect a payment or debt.
- 5. SYSTEM MANAGER(S) AND ADDRESS:** Controller, Division of the Controller, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NRC FORM 526 (08-2013) 10 CFR 171		U.S. NUCLEAR REGULATORY COMMISSION	
 CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171 (Effective August 30, 2013)			
If you have QUESTIONS , e-mail them to: SmallEntity.Resource@nrc.gov			
SEE IMPORTANT INSTRUCTIONS FOR NRC FORM 526 -- PLEASE READ CAREFULLY DO NOT COMPLETE OR RETURN THIS FORM IF YOU DO NOT QUALIFY AS A SMALL ENTITY A licensee that is a subsidiary of a large entity, including foreign entities, does NOT qualify as a small entity.			
NAME AND ADDRESS OF LICENSEE (as it appears on the invoice):		INVOICE NUMBER	BUSINESS TELEPHONE NUMBER
		DOCKET NUMBER	CONTACT NAME
EMAIL ADDRESS	COMPANY WEBSITE ADDRESS www.		CONTACT TELEPHONE NUMBER
SIZE STANDARDS (Check only <u>1</u> box below).			MAXIMUM ANNUAL FEE PER LICENSED CATEGORY (See Items 2 and 3 on back)
1. SMALL BUSINESS A for-profit concern that is not engaged in manufacturing with average GROSS receipts of \$7.0 million or less over its last 3 completed fiscal years. For further information see 1a and 1b of attached instructions.			<input type="checkbox"/> A. \$485,000 TO \$7,000,000 <input type="checkbox"/> B. LESS THAN \$485,000
\$ 2,800 \$ 600			
2. MANUFACTURING INDUSTRY A manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months.			<input type="checkbox"/> A. 35 to 500 EMPLOYEES <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES
\$ 2,800 \$ 600			
NAICS BUSINESS CODE (See 1b and 1e of attached instructions): _____			
3. SMALL ORGANIZATION A not-for-profit organization that is independently owned and operated and has annual GROSS receipts of \$7.0 million or less. For further information see 1a and 1b of attached instructions			<input type="checkbox"/> A. \$485,000 TO \$7,000,000 <input type="checkbox"/> B. LESS THAN \$485,000
\$ 2,800 \$ 600			
4. SMALL GOVERNMENTAL JURISDICTION (INCLUDING PUBLICLY SUPPORTED EDUCATIONAL INSTITUTIONS) A government of a city, county, town, township, village, school district, or special district with a population of less than 50,000. For further information see 1f of attached instructions.			<input type="checkbox"/> A. 20,000 TO 49,999 POPULATION OF JURISDICTION <input type="checkbox"/> B. LESS THAN 20,000 POPULATION OF JURISDICTION
\$ 2,800 \$ 600			
5. SMALL EDUCATIONAL INSTITUTION THAT IS NOT STATE OR PUBLICLY SUPPORTED Only applicable to such small educational institutions if they have 500 or less employees. For further information see 1b and 1f of attached instructions.			<input type="checkbox"/> A. 35 to 500 EMPLOYEES <input type="checkbox"/> B. LESS THAN 35 EMPLOYEES
\$ 2,800 \$ 600			
CERTIFICATION			
This certification MUST be signed by the owner of the entity named above or an official empowered to act on behalf of the entity.			
I certify that the above named NRC licensee qualifies as a small entity under the size standards established by the NRC for its licensees in 10 CFR 2.810. The licensee qualifies as a small entity under the specific size standard indicated above.			
WARNING: 18 U.S.C. Section 1001, Act of June 25, 1948, 62 Stat. 749, makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction. The submittal of willful false statements is punishable by fine or imprisonment, or both, and for purposes of this certification, may result in revocation or suspension of the license.			
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.	TYPED OR PRINTED NAME AND TITLE	SIGNATURE	DATE

**IMPORTANT INSTRUCTIONS FOR NRC FORM 526 -- PLEASE READ CAREFULLY
DO NOT COMPLETE OR RETURN THIS FORM IF YOU DO NOT QUALIFY AS A SMALL ENTITY**

**CERTIFICATION OF SMALL ENTITY STATUS FOR THE PURPOSES
OF ANNUAL FEES IMPOSED UNDER 10 CFR PART 171**

A licensee who qualifies as a small entity under a specific size standard established by the NRC may pay a reduced annual fee by filing the required certification on NRC Form 526, which is on the reverse side of this page. A separate NRC Form 526 is required for each invoice. Licensees who do not qualify under one of the 5 size standards shown on NRC Form 526 should disregard this form.

1. Complete all items on NRC Form 526 as follows: **(NOTE: Incomplete or improperly completed forms will be returned as unacceptable.)**
 - Enter the licensee's name and address exactly as they appear on the invoice. Annotate name and/or address changes for billing purposes on the payment copy of the invoice -- Correcting the name and/or address on NRC Form 526 or on the invoice does not constitute a request to amend the license.
 - Enter the invoice number exactly as it appears on the invoice.
 - Enter the company's business telephone number. Enter the docket number exactly as it appears on the invoice.
 - Enter the contact person's name and email address. Enter the company's website address (if applicable), and the contact person's telephone number.
 - Check the appropriate size standard under which the licensee qualifies as a small entity. Check one box only. Note the following:
 - a. A licensee that is a subsidiary of a large entity, including foreign entities, does not qualify as a small entity. The calculation of a firm's size must include the employees or receipts of the parent company and all other affiliates. Affiliation with another concern is based on the power to control whether exercised or not. Such factors as common ownership, common management and identity of interest are indications of affiliation. The affiliated business concerns need not be in the line of business listed in the license.
 - b. Gross annual receipts, as used in the size standards, include all revenue received or accrued by your company from all sources, regardless of the form of the revenue, and not solely receipts from licensed activities. Receipts of a for-profit concern not engaged in manufacturing means average gross receipts over its last three completed fiscal years. (For additional information on calculating annual receipts, see 13 C.F.R. 121.104.) By contrast, number of employees of a manufacturing concern is based on employment during each pay period for the preceding 12 calendar months. (For additional information on calculating number of employees, see 13 C.F.R.121.106.)
 - c. NRC's size standards on small entity are generally based on the Small Business Administration's regulations (13 C.F.R. Part 121). However, where there is a direct conflict between the Small Business Administration's regulations and NRC regulations on the subject, NRC regulations are applicable to NRC licensees.
 - d. The size standards apply to the licensee, not to the individual authorized users who may be listed in the license.
 - e. If you are a manufacturer, enter your North American Industry Classification System business code in the narrow, elongated box provided for that purpose under MANUFACTURING INDUSTRY on Form 526. In accordance with the North American Industry Classification System (NAICS), each business is assigned a NAICS business code. If you do not know your NAICS business code it can be obtained on the internet at www.census.gov.
 - f. As used in Form 526, "educational institution" means an entity that has education as its primary function; that offers programs accredited by a nationally recognized accrediting agency or association; that is legally authorized to provide a program of organized instruction or study; that provides an educational program for which it awards academic degrees; and that makes its educational programs available to the public.

2. If the invoice states the "Amount Billed Represents 50% Proration," the amount due is not the prorated amount shown on the invoice, but rather one-half of the maximum small entity annual fee shown on NRC Form 526 for the size standard under which the licensee qualifies (either \$1400 or \$300) for each category billed.
3. If the invoice amount is less than the reduced small entity annual fee shown on this form, pay the amount on the invoice; there is no further reduction. In this case, do not file NRC Form 526. However, if the invoice amount is greater than the reduced small entity annual fee, file NRC Form 526 and pay the amount applicable to the size standard you checked on the form.
4. The completed NRC Form 526 must be submitted with the required annual fee payment and the "Payment Copy" of the invoice to the address shown on the invoice.
5. 10 CFR 171.16(c)(3) provides that a licensee must submit a new certification with its annual fee payment each year. A licensee must pay the full amount of the invoice, if the licensee fails to submit NRC Form 526 at the time the annual fee is paid.

NRC Form 526 can be accessed on the NRC's public website at:

<http://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf>.

NRC's Small Entity Compliance Guide is available online in the NRC Library at:

<http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into the Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents.

To obtain information quickly regarding small entities and annual fees, please contact the License Fee Billing Help Desk at (301) 415-7554 or by e-mail at:

SmallEntity.Resource@nrc.gov.