

October 3, 2019

Carol L. Hill, Licensing Assistant
Material Radiation Protection Section
US Nuclear Regulatory Commission
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

RE: Discontinuation of NRC License No. 02-29222-01

Ms. Hill:

ConformaTech, Inc. would like to immediately discontinue our NRC license 02-29222-01. We will continue to operate under Arizona Department of Health Services Bureau of Radiation Control Material License 10-151. I have attached our Arizona Radioactive Material License.

Please note that we have been dialoging with the NRC about terminating our license since spring of 2019, and we did not realized that we were required to submit our formal request for discontinuation of our license before October 1, 2019 without being assessed additional fees.

In our last email discussion, dated September 9, 2019 this due date was not discussed. We would appreciate that our case be reviewed by the NRC as to potentially waiving the fees as we are requesting cancelation only two days after this deadline. We are a small business, and this would be a great financial burden.

If you have any questions, please feel free to contact me.

Respectfully submitted,

ConformaTech, Inc.



Gerry Yarab
President
ConformaTech, Inc.

gerry.yarab@conformatech.com
Direct Tel: (520) 573-2045
Direct Fax: (520) 573-0528

ConformaTech, Inc.
1425 East Apache Park Place
Tucson, Arizona 85714
Tel: (520) 573-2045
Fax: (520) 573-0528

PUBLIC

☐ Immediate Release
☒ Normal Release

NON-PUBLIC

☐ A.3 Sensitive-Security Related
☐ A.7 Sensitive Internal
☐ Other: _____

Reviewer: MS

Date: 10/17/19

616218



**ARIZONA DEPARTMENT OF HEALTH SERVICES
BUREAU OF RADIATION CONTROL**

RADIOACTIVE MATERIAL LICENSE

Pursuant to Chapter 4, Title 30, Arizona Revised Statutes, and Title 9, Chapter 7 of the Arizona Administrative Code, and in reliance on statements and representations made to the Department by the licensee, a license is hereby issued authorizing the acquisition, reception, possession, use and transfer of the radioactive material listed in this license for the purposes and at the places specified. This license is subject to all applicable rules and Department orders now or hereafter in effect and to the conditions specified. **In accordance with application dated April 2, 2019, signed by Gerry Yarab, License Number 10-151 is hereby renewed in its entirety to read as follows: ALL CHANGES ARE IN BOLD**

LICENSEE

- | | |
|---|---|
| 1. NAME: ConformaTech, Inc. | 3. a. LICENSE NUMBER: 10-151
b. AMENDMENT NO.: 4 |
| 2. ADDRESS: 1425 East Apache Park Place
Tucson, Arizona 85714 | 4. EXPIRATION DATE: May 31, 2024 |
| | 5. CATEGORY: C5 - PORTABLE GAUGE |

6. Radioactive material (element and mass number)	7. Chemical or physical form	8. Maximum quantity licensee may possess at any time
A. Americium-241/Beryllium	A. Sealed Source (CPN-131)	A. 2 sources, no single source to exceed 3.7 GBq (100 millicuries)
B. Cesium-137	B. Sealed Source (Troxler Drawing No. A-102112)	B. 12 sources , no single source to exceed 333 MBq (9 millicuries)
C. Americium-241/Beryllium	C. Sealed Source (Troxler Drawing No. A-102451)	C. 12 sources , no single source to exceed 1.63 GBq (44 millicuries)
D. Cesium-137	D. Sealed Source (Troxler Drawing No. A-102112)	D. 6 sources , no single source to exceed 370 MBq (10 millicuries)

9. Authorized Use:

- A. To be used in CPN, Model AC-2 moisture density gauge for determining soil densities and moisture contents.
- B. To be used in Troxler Model 3400 Series moisture density gauge for determining soil densities and moisture content.
- C. To be used in Troxler Model 3400 Series moisture density gauge for determining soil densities and moisture content.
- D. For use in Troxler Model 4640 asphalt content gauge.

6 1 6 2 1 8

POST IN ACCORDANCE WITH R9-7-1002

ARIZONA DEPARTMENT OF HEALTH SERVICES
BUREAU OF RADIATION CONTROLRADIOACTIVE MATERIAL LICENSE
SUPPLEMENTARY SHEETLicense Number 10-151
Amendment Number. 4

CONDITIONS

10. Radioactive material may be used at the licensee's facilities located at 1425 East Apache Park Place, Tucson, Arizona 85745 and at temporary job sites of the licensee throughout the State of Arizona, wherever the Department maintains regulatory authority for the use of radioactive materials.
11. The licensee shall comply with the provisions of Title 9, Chapter 7, Arizona Administrative Code; Article 3, "Radioactive Material Licensing"; Article 4, "Standards for Protection Against Ionizing Radiation"; and Article 10, "Notices, Instructions and Reports to Radiation Workers; Inspections".
12.
 - A. Radioactive material shall be used by, or under the supervision of, individuals who have successfully completed the equipment manufacturers' radiation safety and equipment operation course or other courses with similar content and requirements that have been approved by the Department.
 - B. The Radiation Safety Officer shall maintain records listing those individuals who have received the approved training and are qualified to use or supervise the use of radioactive materials.
 - C. The Radiation Safety Officer for this program is: John J. Christensen.
13. The licensee may transport radioactive material or deliver material to a carrier for transport in accordance with the provisions of Title 9, Chapter 7, Article 15.
14. Notwithstanding the leak test frequency in A.A.C. R9-7-417(A) sealed source containing radioactive material listed in sub item A of Items 6, 7 and 8 above, shall be leak tested at intervals not to exceed 12 months.
15.
 - A. The licensee shall not allow gauge users to leave gauges unattended during breaks or meal periods.
 - B. The licensee shall ensure that all gauges are locked in the transport vehicle in accordance with procedures approved by the Department before leaving all job sites or entering a public access roadway.
16. The licensee shall maintain a current list of authorized home addresses which indicates the parking location of the vehicle. The licensee shall further notify each worker authorized to store a gauge at home that the location and conditions of storage described in facsimile dated April 22, 2004, are subject to inspection by the Department in accordance with the provisions of A.R.S. § 30-681.
17. **Sealed sources need not be tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 5 years without being tested for leakage and/or contamination.**
18. For purposes of ending the principal activities authorized under this radioactive material license:
 - A. The license stays in effect beyond the license expiration date. Beyond the expiration date the licensee shall store radioactive material only, until the Department authorizes its use by license amendment, or the Department notifies the licensee in writing that the license is terminated.
 - B. The licensee shall ensure the timeliness of decommissioning of facilities where principal activities are conducted under this license in accordance with Department requirements.

POST IN ACCORDANCE WITH R9-7-1002

ARIZONA DEPARTMENT OF HEALTH SERVICES
BUREAU OF RADIATION CONTROLRADIOACTIVE MATERIAL LICENSE
SUPPLEMENTARY SHEETLicense Number 10-151
Amendment Number. 4

18. Cont.

- C. The licensee shall continue to control public access into restricted areas and pay the annual licensing fee until the license is terminated.

19. Except as specifically provided otherwise by this license, the licensee shall possess and use the radioactive material described in Items 6, 7 and 8 of this license in accordance with the statements, representations and procedures contained in:

1. Application dated April, 2, 2019, signed by Gerry Yarab.

The most recent statements, representations, and procedures shall govern if they conflict with previously submitted documents, unless otherwise specified by a license condition; and the Department's rules shall govern the licensee's statements in applications or letters.



BRIAN D. GORETZKI, BUREAU CHIEF

COLBY BOWER, ASSISTANT DIRECTOR

DATE ISSUED: JUN 06 2019

PRK:BDG:mjk

POST IN ACCORDANCE WITH R9-7-1002

Hill, Carol

From: gerry.yarab@conformatech.com
Sent: Thursday, October 03, 2019 3:52 PM
To: Hill, Carol
Cc: Kathryn Chwalek
Subject: [External_Sender] RE: RE: RE: Discontinue NRC License 02-29222-01
Attachments: 20191003133905835.pdf

Carol, please find attached our letter indicating that we'd like to discontinue our NRC license. We didn't realize we were suppose to get this to you by October 1 without being assessed additional fees. I thought this wouldn't need to be addressed until spring 2020. If there's anyway you could assist us in prorating/reducing the fee, it would be greatly appreciated. Currently we are paying the 2019 fees on a monthly basis due to our financial situation.

Thanks

Gerry Yarab

From: Hill, Carol <Carol.Hill@nrc.gov>
Sent: Monday, September 9, 2019 10:12 AM
To: gerry.yarab@conformatech.com
Subject: RE: RE: RE: Discontinue NRC License 02-29222-01

I agree with you, the Form 314 doesn't seem to apply. (My reviewers are all out of the office, so I can't clarify for sure). Make the request on a signed dated letter on company letterhead and attach the state license. If the reviewer needs more information, they'll contact you directly.

Carol L. Hill, Licensing Assistant

Direct: 817-200-1140
Toll Free: 1-800-952-9677
Fax: 817-200-1083
E-mail: Carol.Hill@nrc.gov

US Nuclear Regulatory Commission
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

From: gerry.yarab@conformatech.com <gerry.yarab@conformatech.com>
Sent: Monday, September 09, 2019 12:01 PM
To: Hill, Carol <Carol.Hill@nrc.gov>
Subject: [External_Sender] RE: RE: Discontinue NRC License 02-29222-01

Is there a particular form I need to use to make the request.

From: Hill, Carol <Carol.Hill@nrc.gov>
Sent: Monday, September 9, 2019 8:36 AM
To: gerry.yarab@conformatech.com
Subject: RE: RE: Discontinue NRC License 02-29222-01

Good morning,

6 1 6 2 1 8

I'm sorry, we're having problems with our phones and I haven't been able to access any of my messages last week and so far this week, ARGH!

By maintaining your Arizona license, do you mean your *state of Arizona* license? If so, in your request to terminate you will provide a copy of your state of Arizona license that lists the gauges on your NRC license – showing that they are covered under your state license.

Thanks,

Carol L. Hill, Licensing Assistant

Direct: 817-200-1140
Toll Free: 1-800-952-9677
Fax: 817-200-1083
E-mail: Carol.Hill@nrc.gov

US Nuclear Regulatory Commission
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

From: gerry.yarab@conformatech.com <gerry.yarab@conformatech.com>
Sent: Thursday, September 05, 2019 4:51 PM
To: Hill, Carol <Carol.Hill@nrc.gov>
Subject: [External_Sender] RE: Discontinue NRC License 02-29222-01

Carol, I left you a voice mail message also. We're trying to discontinue our NRC license but maintain our Arizona license. So, I don't think the Form 314 is what we need. Is there another form for just discontinuing our NRC license? We have not transferred the gauges and are continuing our business.

Thanks
gerry

From: Hill, Carol <Carol.Hill@nrc.gov>
Sent: Monday, May 20, 2019 6:51 AM
To: Gerry Yarab <gerry.yarab@conformatech.com>
Subject: RE: Discontinue NRC License 02-29222-01

Ok. Please submit NRC Form 314 (attached), leak test results for the device(s), transfer records and acknowledgement of receipt by an authorized entity.

Carol L. Hill, Licensing Assistant

Direct: 817-200-1140
Toll Free: 1-800-952-9677
Fax: 817-200-1083
E-mail: Carol.Hill@nrc.gov

US Nuclear Regulatory Commission
1600 E. Lamar Blvd.
Arlington, TX 76011-4511

From: Gerry Yarab <gerry.yarab@conformatech.com>
Sent: Friday, May 17, 2019 12:23 PM
To: Hill, Carol <Carol.Hill@nrc.gov>
Cc: NRC Fiscal Treasury <NRC@fiscal.treasury.gov>
Subject: [External_Sender] Discontinue NRC License 02-29222-01

Carol, we would like to discontinue our NRC license 02-29222-01. We haven't used it in years, and it does not make sense to pay the yearly fee at this time.

Please let me know how to proceed.

Thanks

Gerry Yarab, R.G.

President

ConformaTech, Inc.

1425 East Apache Park Place

Tucson, AZ 85714

PH: 520-573-2045

FAX: 520-573-0528



ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

Name and Address of Applicant and/or Licensee

Mr. Gerry Yarab, President
ConformaTech, Inc.
1425 E. Apache Park Place
Tucson, AZ 85714

Date

10/17/2019

License Number(s)

02-29222-01

Mail Control Number(s)

616218

Licensing and/or Technical Reviewer or Branch

C. Hill

This is to acknowledge receipt of your: ☒ Letter and/or ☐ Application Dated: 10/03/2019

The initial processing, which included an administrative review, has been performed.

☐ Amendment ☒ Termination ☐ New License ☐ Renewal

☐ There were no administrative omissions identified during our initial review.

☐ This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

☐ Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>
Follow the instructions on the form for submission.

☐ The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region IV
U. S. Nuclear Regulatory Commission
DNMS/NMSB - B
1600 E. Lamar Boulevard
Arlington, TX 76011-4511
(817) 200-1103 or (817) 200-1140

✓ 10/19