



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

January 29, 2020

EA-19-108

Mr. Stanley Schultz
[HOME ADDRESS DELETED]
UNDER 10 CFR 2.390(A)]

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 03034973/2019001(DNMS) AND
NRC INVESTIGATION REPORT NO. 3-2018-009– SCHULTZ SURVEYING &
ENGINEERING

Dear Mr. Schultz:

On September 5, 2018, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region III Field Office, initiated an investigation to determine whether: (1) the owner of Schultz Surveying & Engineering deliberately failed to comply with an NRC Order; and (2) the licensee owner deliberately transferred a Troxler Model 3440 portable moisture density gauge that required an NRC license to a company not licensed to possess the device. The OI completed its investigation on September 4, 2019. A factual summary of the NRC investigation is included in Enclosure 1.

Prior to the initiation of the investigation, an NRC inspector conducted a special inspection at your facility in Branson, Missouri, on September 14, 2017, with continued in-office review through December 19, 2019. The details of the onsite inspection have been documented in Special Inspection Report 03034973/2017001(DNMS) (ML19121A537), dated May 1, 2019. The purpose of the enclosed report is to resolve all open items associated with this inspection and to document additional findings. The in-office review included a review of the facts and circumstances surrounding the findings identified during the inspection. The results of the inspection are presented in Enclosure 2.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, five apparent violations of NRC requirements were identified and are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violations concerned the licensee's failure to (1) have the specific individual named on the license as Radiation Safety Officer (RSO), as required by License Condition No. 11 of Amendment No. 9 to NRC License 24-32159-01 (License); (2) transfer byproduct material to a person specifically

authorized to possess such byproduct material, as required by Title 10 of the *Code of Federal Regulations* (CFR) Parts 30.41(a) and 30.41(b)(5); (3) respond in writing to an Order Revoking License No. 24-32159-01 (Order) within 20 days of issuance, as required by 10 CFR 2.202(b) and Section IV of the Order; (4) test sealed sources for leakage within the required leak test interval prior to transferring to another person, as required by License Condition No. 13.C of the License; and (5) conduct a physical inventory every six months to account for all sealed sources and devices possessed under the License, in accordance with License Condition No. 16 of the License.

Because the NRC has not made a final determination in this matter, the NRC is not issuing a Notice of Violation for these inspection findings at this time. Mr. Edward Harvey of my staff discussed the circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective actions with you at the inspection exit meeting held via telephone on December 30, 2019.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond in writing to the apparent violations addressed in this inspection report within 30 days of the date of this letter; (2) request a Predecisional Enforcement Conference (PEC); (3) request Alternate Dispute Resolution (ADR); or (4) submit a license termination request to the NRC to officially terminate your NRC license. If a PEC is held, the NRC will issue a press release to announce the time and date of the conference; however the PEC will be closed to public observation since information related to an Office of Investigations report will be discussed and the report has not been made public. **Please contact Robert Ruiz, Acting Chief of the Materials Inspection Branch, at 630-829-9732 or robert.ruiz@nrc.gov within ten days of the date of this letter to notify the NRC of your intended response.**

If you choose to provide a written response, it should be clearly marked as "Response to the Apparent Violations in Inspection Report No. 03034973/2019001(DNMS); EA-19-108," and should include, for the apparent violations: (1) the reason for the apparent violations, or, if contested, the basis for disputing the apparent violations; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance was or will be achieved. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the information notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Your response should be sent to the NRC's Document Control Desk, Washington, DC 20555-0001, with a copy mailed to the NRC Region III Office, 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, it will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into

consideration before making an enforcement decision. The topics discussed during the PEC may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. If a PEC is held, it will not be open for public observation, however, the NRC will issue a press release to announce the time and date of the conference.

You may also request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. **Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.**

If you choose to terminate your license, the NRC would be willing to forego any civil penalty that it may otherwise propose. If you do intend to pursue a license termination as a corrective action, please provide a written response, clearly marked as "Response to the Apparent Violation in Inspection Report No. 03032159/2019001(DNMS); EA-19-108," within 30 days of the date of this letter. Your response should include a completed copy of NRC Form 314, a confirmation of disposal or transfer, including details of how, when, and to whom the gauges will be/were transferred. If the requested information is not received within 30 days, the NRC will proceed with its enforcement decision. Should you request an NRC license in the future, any monetary civil penalty associated with this violation may be reinstated.

The agency's final determination of whether or not a monetary civil penalty is warranted in accordance with Section 2.3.4 of the Enforcement Policy will depend upon the adequacy and effectiveness of the corrective actions you provide to us in writing or in person. In addition, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any response you provide will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

S. Schultz

4

Please feel free to contact Mr. Harvey of my staff if you have any questions regarding this inspection. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

/RA by Christine A. Lipa for/

David L. Pelton, Director
Division of Nuclear Materials Safety

Docket No. 030-34973
License No. 24-32159-01

Enclosure:

1. Factual Summary
2. IR No. 03034973/2019001(DNMS)
3. NRC FORM 314

cc w/encl: State of Missouri

S. Schultz

5

Letter to Stanley Schultz from Dave Pelton dated January 29, 2020.

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 03034973/2019001(DNMS) AND
NRC INVESTIGATION REPORT NO. 3-2018-009– SCHULTZ SURVEYING &
ENGINEERING

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ADAMS Accession Number: ML20029E989

OFFICE	RIII-DNMS	C	RIII-DNMS	C	RIII-EICS	C	HQ-OE	C
NAME	EHarvey:brt/ps		RRuiz		JCameron KLambert for		LSreenivas	
DATE	1/13/2020		1/14/2020		1/29/2020		1/28/2020	
OFFICE	HQ-NMSS	C	RIII-DNMS	C	OGC			
NAME	RSun		DPelton CLipa for		NMoran			
DATE	1/17/2020		1/29/2020		1/28/2020			

OFFICIAL RECORD COPY

FACTUAL SUMMARY OF OFFICE OF INVESTIGATIONS REPORT 3-2018-009

On September 5, 2018, the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region III Field Office, initiated an investigation to determine whether: (1) the owner of Schultz Surveying & Engineering deliberately failed to comply with an NRC Order; and (2) the licensee owner deliberately transferred a Troxler Model 3440 portable moisture density gauge that required an NRC license to a company not licensed to possess the device. The OI completed its investigation on September 4, 2019.

Schultz Surveying & Engineering (SSE) was authorized under NRC Materials License No. 24-32159-01 to store and use byproduct materials in Troxler Model 3400 Series portable gauging devices for measuring physical properties of materials. SSE filed for bankruptcy in December of 2016 and stopped paying its NRC licensing fees. At the time SSE filed for bankruptcy, the company possessed six portable moisture density gauges.

The owner of SSE and one of SSE's employees started working for a different company, Veterans Worldwide (VW), around January 2017. On January 31, 2017, SSE's owner sold a portable moisture density gauge (Troxler Model 3440, Serial Number 28150) to VW, with the knowledge that VW was not authorized to receive the gauge because VW did not have an NRC license. In late Spring or early Summer of 2017, a VW employee moved the gauge to the State of Kansas. A VW employee used the gauge in the State of Kansas on October 19, 2017, and December 18, 2017.

In August 2017, SSE's owner transferred a portable moisture density gauge to a company in Texas that was authorized to possess the gauge through a license issued by the State of Texas. On November 24, 2017, SSE's owner transferred 4 additional gauges to the company in Texas. The NRC issued an Order of Revocation (Order) to SSE on November 16, 2017, that stated the license would be revoked if SSE did not pay its fees within 20 days of receiving the Order. The Order also required SSE to provide an update on the licensed material possessed within 5 days and to transfer the material to a licensed facility within 60 days of the date of the Order. The Order was mailed to SSE in November 2017. However, SSE did not receive the Order because the bank had repossessed the SSE location to which the Order was mailed. The NRC successfully served the Order on SSE on April 30, 2018, and the Order became effective on May 20, 2018. SSE's owner acknowledged receiving the Order but claims that he forwarded the Order to his bankruptcy attorney without reading the Order, because after reading the first page he believed it was a debt collection notice. SSE's owner did not respond to the Order as required by the Order.

On September 20, 2018, SSE's owner, as an employee of VW, transferred the final gauge (Serial Number 28150) to the same Texas company SSE transferred the other gauges to. The Texas company confirmed receiving that gauge on September 20, 2018.

Based on a review of the OI report, available records and emails, it appears that on January 31, 2017, SSE's owner deliberately transferred a Troxler portable moisture density gauge to a company not licensed to possess the device, contrary to the requirements of 10 CFR 30.41(a). However, it appears that SSE's owner did not willfully fail to respond to an NRC Order revoking SSE's license as required by 10 CFR 2.202.

**U.S. Nuclear Regulatory Commission
Region III**

Docket No.	030-34973
License No.	24-32159-01
Report No.	03034973/2019001(DNMS)
EA No.	EA-19-108
Licensee:	Schultz Surveying & Engineering
Facility:	1999 State Highway 265 Hollister, MO
Inspection Dates:	September 14, 2017 - December 19, 2019
Exit Meeting Date:	December 30, 2019
Inspector:	Edward Harvey, Health Physicist
Approved By:	Robert Ruiz, Acting Chief Materials Inspection Branch Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

Schultz Surveying & Engineering NRC Inspection Report 03034973/2019001(DNMS)

The purpose of this report is to resolve all open items associated with NRC Special Inspection Report 03034973/2019001(DNMS) (ML19121A537), and to document additional findings associated with the special inspection that occurred on September 14, 2017, with continued in-office review through December 19, 2019.

The NRC identified four apparent violations from the six open items identified in the previous inspection report. These apparent violations concern the licensee's failure to (1) have the specific individual named on the license as Radiation Safety Officer (RSO) serve as the RSO, as required by License Condition No. 11 of Amendment No. 9 to NRC License 24-32159-01 (License); (2) respond in writing to an Order Revoking License No. 24-32159-01 (Order) within 20 days of issuance, as required by Title 10 of the *Code of Federal Regulations* (CFR) 2.202(b) and Section IV of the Order; (3) test sealed sources for leakage within the required leak test interval prior to transferring to another person, as required by License Condition No. 13.C of the License; and (4) conduct a physical inventory every six months to account for all sealed sources and devices possessed under the License, in accordance with License Condition No.16 of the License. The remaining two open items were closed without further action.

The NRC has determined that the root cause of these violations was a significant lack of oversight on behalf of the licensee's executive level of management. A contributing cause to the violations was a lack of financial resources available to the licensee due to bankruptcy filings. As of December 30, 2019, no corrective actions have been taken by the licensee to address these violations. During the exit interview, the owner of the company indicated that he intends to officially terminate the license in response to these findings.

In addition, the NRC initiated an investigation regarding the potential deliberate misconduct of improperly transferring licensed material to an unauthorized individual. Upon a review of the results of this investigation, the NRC determined that a deliberate violation occurred concerning the licensee's owner's failure to transfer byproduct material to a person specifically authorized to possess such byproduct material, as required by 10 CFR 30.41(a) and 30.41(b)(5). As corrective action, the owner of the license coordinated the transfer of the gauge (Serial Number 28150) to an authorized company in Dallas, Texas, which was completed on September 18, 2018.

REPORT DETAILS

1 Program Overview and Inspection History

Schultz Surveying & Engineering (licensee) was authorized under NRC Materials License No. 24-32159-01 to use byproduct material for measuring physical properties of materials with nuclear gauging devices. In response to a notification received regarding the status of the licensee's Radiation Safety Officer (RSO), the NRC conducted a Special Inspection of the licensee on September 14, 2017, with continued in-office review through December 19, 2019. Following the site inspection, the NRC delivered an Order to Revoke NRC License No. 24-32159-01 within 20 Days Based on Nonpayment of Fees (Order) on April 30, 2018, which became effective on May 20, 2018.

The details of the on-site inspection have been documented in Special Inspection Report 03034973/2017001(DNMS) (ML19121A537), dated May 1, 2019. This purpose of this report is to resolve all open items associated with the inspection and to document additional findings associated with the inspection.

2 Resolution of Open Items Identified on Inspection Report 3034973/2017001(DNMS)

2.1 Inspection Scope

On May 1, 2019, the NRC issued Special Inspection Report 03034973/2017001(DNMS) (ML19121A537), wherein six open items were identified pending additional NRC review. The NRC reviewed the facts and circumstances of these open items and has reached a conclusion for each item.

2.2 Observations and Findings

- (1) License Condition 11 of Amendment No. 9 to NRC License No. 24-32159-01 names a specific individual as RSO.

After additional review, the NRC has determined that the licensee failed to ensure that the individual named on the license as RSO remained the RSO, as required by License Condition 11. Specifically, the individual named as RSO on the license left the employment of the licensee in November of 2016, and was unreachable by any of the contact information available to the licensee. Additionally, the licensee stated on the record that the named RSO was no longer RSO when the licensee went out of business. As a result, this open item constitutes an apparent violation of License Condition 11 of Amendment No. 9 to NRC License No. 24-32159-01.

- (2) License Condition 13.C of NRC License No. 24-32159-01 requires, in part, that when sealed sources are transferred to another person, if they have not been tested within the required leak test interval, they shall be leak tested before transfer.

After additional review, the NRC has determined that the licensee failed to perform leak tests within the required leak test interval prior to transferring five portable gauges containing sealed sources to another person. Specifically, the licensee transferred five Troxler Model 3400 Series portable gauges, each containing a nominal 9 millicurie cesium-137 sealed source and a nominal 44 millicurie

americium-241 sealed source, to a company in Dallas, Texas, without testing them for leakage within the required interval or before transferring. As a result, this open item constitutes an apparent violation of License Condition 13.C of NRC License No. 24-32159-01.

- (3) License Condition 16 of NRC License No. 24-32159-01 requires that the licensee shall conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license.

After additional review, the NRC has determined that the licensee failed to conduct a physical inventory of all sealed sources and/or devices in its possession every 6 months. The licensee was unable to provide any evidence that a physical inventory had been performed since November 2016, when the licensee went out of business and the RSO left the company. As a result, this open item constitutes an apparent violation of License Condition 16 of NRC License No. 24-32159-01.

- (4) Title 10 of the *Code of Federal Regulations* (CFR) 30.34(c) requires, in part, that the licensee confine possession and use of the byproduct material to the locations and purposes authorized on the license.

After additional review, the NRC determined that the licensee did not relocate licensed material to locations not authorized in the license. All of the licensee's portable gauges remained at their authorized facility in Branson, Missouri, until they were transferred to other recipients, with the last of the transfers occurring on September 18, 2018¹. Therefore, no violation of 10 CFR 30.34(c) occurred, and this open item is closed.

- (5) Section III Paragraph D of the Order states that the licensee shall, within five days of the date of revocation, submit a written report to the NRC that includes: (1) a listing of all materials still in possession of the licensee; and (2) a description of the conditions of storage of retained material and actions being taken to control the material.

After additional review, the NRC determined that the licensee was no longer in possession of licensed material at the time the Order was issued. However, 10 CFR 2.202(b) states that the licensee or other person to whom the Commission has issued an order under this section must respond to the order by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order and shall set forth the matters of fact and law on which the licensee or other person relies, and, if the order is not consented to, the reasons as to why the order should not have been issued.

Section IV of the Order states, in part, that in accordance with 10 CFR 2.202, the licensee must submit an answer to the Order within 20 days of its issuance.

As of December 30, 2019, the licensee has not submitted a written response to the Order issued on April 30, 2018. This period exceeded 20 days and therefore, the

¹ However, as discussed in section 3 below, the transfer of portable gauge 28150 was a transfer to an unauthorized entity, which therefore violated 10 C.F.R. 30.41.

NRC has determined that an apparent violation of 10 CFR 2.202(b) has occurred for the licensee's failure to file a written answer to the Order.

- (6) Section III Paragraph F of the Order requires that, within 60 days of revocation, the licensee shall dispose of, or transfer to another authorized recipient or recipients, all NRC-licensed material possessed under the authority of NRC License No. 24-32159-01. The Order was issued on April 30, 2018 and the license was officially revoked on May 20, 2018. After additional review, the NRC determined that the licensee was no longer in possession of licensed material at the time the Order was issued. Therefore, there was no violation of Section III Paragraph F of the Order and this open item is closed based on this information.

In total, the NRC identified four apparent violations from the six open items identified in the previous report. The NRC has determined that the root cause of these violations was a significant lack of oversight on behalf of the licensee's executive level of management. A contributing cause to the violations was a lack of financial resources available to the licensee due to bankruptcy filings. As of December 30, 2019, no corrective actions have been taken by the licensee to address these violations. During the exit interview, the owner of the company indicated that he intends to officially terminate the license in response to these findings.

2.3 Conclusions

The inspector reviewed the facts and circumstances of the six open items identified on NRC Special Inspection Report 03034973/2017001(DNMS). Of the six open items, four resulted in the identification of apparent violations and two were closed with no further action.

3 Additional Findings

3.1 Inspection Scope

During the open inspection period, the NRC initiated an investigation regarding the potential deliberate misconduct by the owner of improperly transferring licensed material to an unauthorized individual. The inspector reviewed the details of the NRC Office of Investigations (OI) Report No. 3-2018-009 to examine activities conducted under the license related to public health and safety; and compliance with the Commission's rules and regulations as well as the conditions of the license

3.2 Observations and Findings

During the investigation, it was determined that, on January 1, 2017, the licensee sold a portable density gauge containing licensed material to a company that was not authorized to possess such material. Although the Bill of Sale had been executed on January 1, the gauge was not physically transferred to the unauthorized recipient until it was transported from the licensee's facility in Branson, Missouri, to the recipient's job site in Kansas in the early Spring of 2017. The NRC confirmed that the gauge was used at the unauthorized recipient's job site on October 19, 2017, and December 18, 2017.

10 CFR 30.41(a) states that no licensee shall transfer byproduct material except as authorized pursuant to this section. 10 CFR 30.41(b)(5) states that except as otherwise

provided in his license and subject to the provisions of paragraphs (c) and (d) of this section, any licensee may transfer byproduct material to any person authorized to receive such byproduct material under terms of a specific license or a general license or their equivalents issued by the Atomic Energy Commission, the Commission, or an Agreement State. The licensee transferring a Troxler Model 3400 Series portable gauge containing a nominal 9 millicurie cesium-137 sealed source and a nominal 44 millicurie americium-241 sealed source to a company without a specific license to possess the device constitutes an apparent violation of the aforementioned requirements.

Furthermore, interviews with licensee personnel indicated that the owner of the licensee's company understood these requirements prior to the improper transfer of licensed material. Therefore, the NRC has determined that the owner's unauthorized transfer of the gauge was an example of deliberate misconduct.

As corrective action, the owner of the licensee coordinated the transfer of the gauge to an authorized company in Dallas, Texas, which was completed on September 18, 2018. The NRC verified this transfer with the authorized recipient.

3.3 Conclusions

The inspector identified a deliberate violation of 10 CFR 30.41(a) and 10 CFR 30.41(b)(5) in which the licensee failed to transfer a Troxler Model 3400 Series portable gauge containing a nominal 9 millicurie cesium-137 sealed source and a nominal 44 millicurie americium-241 sealed source to a company with a specific license to possess the device.

4 **Exit Meeting Summary**

The NRC inspector presented the inspection findings, including five apparent violations, during an exit meeting conducted via telephone on December 30, 2019. The licensee did not identify any documents or processes reviewed by the inspector as proprietary. The licensee acknowledged the findings presented.

LIST OF PERSONNEL CONTACTED

- Matt Marler, Gauge Operator
- # Stanley Schultz, Owner
- # Attended exit meeting on December 30, 2019.

INSPECTION PROCEDURES USED

- 87103: Inspection of Materials Licensees Involved in an Incident or Bankruptcy Filing
- 87124: Fixed and Portable Gauge Programs



CERTIFICATE OF DISPOSITION OF MATERIALS

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This submittal is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the FOIA, Privacy, and Information Collections Branch (7-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollections.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0028), 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.

LICENSEE NAME AND ADDRESS

LICENSE NUMBER

DOCKET NUMBER

LICENSE EXPIRATION DATE

A. LICENSE STATUS (Check the appropriate box)

- ☐ This license has expired. ☐ This license has not yet expired; please terminate it.

B. DISPOSAL OF RADIOACTIVE MATERIAL

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

- ☐ 1. No radioactive materials have ever been procured or possessed by the licensee under this license.
- ☐ 2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner.
- ☐ a. Transfer of radioactive materials to the licensee listed below:
- ☐ b. Disposal of radioactive materials:
- ☐ 1. Directly by the licensee:
- ☐ 2. By licensed disposal site:
- ☐ 3. By waste contractor:
- ☐ c. All radioactive materials have been removed such that any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.

C. SURVEYS PERFORMED AND REPORTED

- ☐ 1. A radiation survey was conducted by the licensee. The survey confirms:
- ☐ a. the absence of licensed radioactive materials
- ☐ b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
- ☐ 2. A copy of the radiation survey results:
- ☐ a. is attached; or ☐ b. is not attached (Provide explanation); or ☐ c. was forwarded to NRC on: _____ Date _____
- ☐ 3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
- ☐ a. The results of the latest leak test are attached; and/or ☐ b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

NAME

TITLE

TELEPHONE (Include Area Code)

E-MAIL ADDRESS

Mail all future correspondence regarding this license to:

C. CERTIFYING OFFICIAL

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

PRINTED NAME AND TITLE

SIGNATURE

DATE

WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECT. 18 U.S.C. SECTION 1001 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.

CERTIFICATE OF DISPOSITION OF MATERIALS

PLEASE READ THESE INSTRUCTIONS BEFORE COMPLETING NRC FORM 314.

Subpart E of 10 CFR Part 20 establishes the radiological criteria for license terminations/decommissioning of facilities licensed under 10 CFR Parts 30, 40, 50, 60, 61, 70, and 72, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended.

INSTRUCTIONS

Section B, Item 2.

Licensees should describe the specific radioactive material transfer actions. If radioactive wastes were generated in terminating this license, the licensee should describe the disposal actions taken, including the disposition of low-level radioactive waste, mixed waste, greater-than-Class-C waste, and sealed sources.

Section B, Item 2.a.

The information provided concerning the transfer of radioactive material to another licensee should specify the date of the transfer, the name of the licensee recipient, an individual contact name and telephone number for the licensee recipient, and the recipient's NRC or Agreement State license number.

Section B, Item 2.b.

For disposal of radioactive materials, licensees should describe the specific disposal method or procedure (e.g., decay-in-storage). For those cases when radioactive materials are disposed of by a licensed disposal site or by a waste contractor, the licensee should specify the name, address, and telephone number of the licensed disposal site operator or waste contractor.

Section B, Item 2.c.

"Residual radioactivity," as defined in 10 CFR 20.1003, means radioactivity in 'areas' (structures, materials, soils, etc.) remaining as a result of activities (licensed and unlicensed) under the licensee's control from sources used by the licensee, excluding background radiation. ALARA is defined in 10 CFR 20.1003.

FILE CERTIFICATES AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND CERTIFICATES TO:

LICENSING ASSISTANT SECTION
NUCLEAR MATERIALS SAFETY BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND CERTIFICATES TO:

MATERIALS LICENSING SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

IF YOU ARE LOCATED IN:

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND CERTIFICATES TO:

MATERIAL RADIATION PROTECTION SECTION
U. S. NUCLEAR REGULATORY COMMISSION, REGION IV
1600 E. LAMAR BOULEVARD
ARLINGTON, TX 76011-4511