



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

June 17, 2005

EA-05-023

Mr. James Wellman, President  
R&M Engineering Consultants  
510 Fourth Street  
Fairbanks, Alaska 99701

SUBJECT: RELAXATION OF PORTIONS OF THE CONFIRMATORY ORDER MODIFYING  
LICENSE (NRC INVESTIGATION REPORT 4-2004-028)

Dear Mr. Wellman:

This refers to your June 9, 2005, e-mail request for a time extension for completion of the leak tests and reporting of the results as required in the subject Confirmatory Order Modifying License (Order). The Order was issued to confirm your commitments to leak-test and transfer two NRC-licensed portable gauges to an authorized recipient, following which you will provide copies of documents demonstrating that the transfer has taken place and will request termination of your NRC license. The commitments that are contained in the subject Order were first discussed with you by telephone on February 8, 2005, and on March 30, 2005, we received a signed Consent Form in which you agreed to these commitments and agreed to waive your rights to a hearing on this Order.

Your June 9, e-mail stated that the reason for requesting a time extension was because the leak test kits were addressed incorrectly from the vendor (Troxler Electronic Laboratories, Inc.). Your e-mail stated that it was your intention that, within 24 hours of receipt of the kits, you would perform the tests and return the kits to Troxler Electronic Laboratories, Inc. by express mail with a request that they return the results to you on an expedited schedule. In addition, during telephone discussions between you and Mr. Michael Vasquez of my staff on June 10, 2005, you informed him that you had received the leak test kits, had leak tested the gauges, and were going to send them for analysis later that day. You also stated that you would contact Troxler Electronic Laboratories, Inc. by Tuesday, June 14, 2005, about transferring the gauges to them. You agreed to take actions to pre-arrange transfer of the gauges so that you would meet the deadlines in Conditions 3, 4, and 5 of the Order.

Based on your additional actions to meet the deadlines in Conditions 3, 4, and 5 of the Order, and after consultation with the Office of Enforcement, I am relaxing the deadlines contained in Conditions 1 and 2 of the Order to June 22, 2005. This means that you must complete the actions required by Conditions 1 and 2 of the Order by June 22, 2005. The requirements of Conditions 3, 4, and 5 remain unchanged.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this order may also

J. Wellman

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subject the person to civil monetary penalty.

Questions concerning the Order should be addressed to Ms. Maria Schwartz, Office of Enforcement, at 301-415-1888.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

*/RA by Thomas P. Gwynn Acting for/*

Bruce S. Mallett  
Regional Administrator

Docket No. 030-33802  
License No. 50-23220-02

cc:  
Alaska Radiation Control Program Director

J. Wellman

EA-05-023, R&M Consulting Engineers

ADAMS (PARS)  
RIDSSECYMAILCENTER  
RIDSOCAMAILCENTER  
RIDSEDOMAILCENTER  
RIDSOEMAILCENTER  
RIDSOGCMAILCENTER  
RIDSNMSSIMNS  
RIDSNMSSOD  
RIDSOPAMAIL  
RIDSOIMAILCENTER  
RIDSOIGMAILCENTER  
RIDSOCFOMAILCENTER  
RIDSRGN1MAILCENTER  
RIDSRGN2MAILCENTER  
RIDSRGN3MAILCENTER  
OEWEB

Sanborn - GFS	Vasquez - GMV
R4ALLEGE	Mallett - BSM1
Gwynn - TPG	Dricks - VLD
Fuller - KSF	Maier - WAM
L Wert	Whitten - JEW1
KGardin - KEG	M Shaffer
Cain - CLC	Spitzberg - DBS
Katanic - JFK	McLean - MLM1
Campbell - VHC	OEMAIL
Morell - GKM	Michele Burgess - MLB5
McArthur - JCM4	
Schwartz-MES	

ADAMS: : Yes Initials: \_gmv\_ Publicly Available : Non-Sensitive

SISP Review: \_gmv\_

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\*See previous concurrence

ES	D:ACES	C:NMIB	D:DNMS	RC
MVASQUEZ*	GSANBORN*	MSHAFFER	LWERT	KFULLER
<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>
6/13/05	6/13/05	6/13/05	6/13/05	6/14/05
ØGE	D:OE	DRA	RA	
ØLONGØ	MJOHNSON	PGWYNN	BMALLETT	
	<i>by T from Nolan</i>	<i>/RA/</i>	<i>/TPGwynn Actg for/</i>	
	6/16/05	6/15/05	6/15/05	

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax