

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of
Control Screening
2 Gardner Road
Fairfield, NJ 07004

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Registration No. NR-1304-D-101-E

ORDER REVOKING SEALED SOURCE OR DEVICE REGISTRATION
WITHIN 30 DAYS BASED ON NONPAYMENT OF FEES

I

Control Screening is a holder of a byproduct material sealed source & device (SS&D) registration No. NR-1304-D-101-E, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to the Atomic Energy Act of 1954, as amended, that authorizes the activities stated therein.

II

Pursuant to 10 CFR 171.16, the holder of an NRC authorized SS&D registration is required to pay an annual fee to the NRC. The annual fee for Fiscal Year 2009, as set forth in fee category 9A of the Schedule in 10 CFR 171.16(d), is \$14,700.

In accordance with 10 CFR Part 15, the registration holder was sent an original invoice dated November 23, 2009 by the NRC, and a second notice dated December 28, 2009, requesting payment. The second notice of payment due specifically informed the holder of the SS&D registration that nonpayment of the fee could result in the suspension or inactivation of the registration in accordance with the enforcement provisions of the Commission's regulations,

namely, 10 CFR 171.23. To date, the annual fee(s) has not been paid as required by 10 CFR Part 171. Pursuant to this Order, if the holder of the SS&D registration does not pay all debts within 30 days from the date of this Order, the registration will be revoked under the terms of this Order and the holder of the registration will, in the future, not be able to manufacture or distribute any new products covered by the SS&D registration. If the former holder of the SS&D registration seeks to resume operations after the revocation of the SS&D registration, the former holder of the SS&D registration will have to pay all debts to the NRC and apply for and be issued, a new SS&D registration.

III

I have concluded that the holder of the SS&D registration, has violated NRC requirements concerning the payment of annual fees. Therefore, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 170.41, 171.23, and 10 CFR Part 30, IT IS HEREBY ORDERED THAT:

- A. SS&D registration number NR-1304-D-101-E is revoked 30 days from the date of this order, unless within this 30-day period the holder of the SS&D registration pays all debts due to the NRC.
- B. After the SS&D registration is revoked, Control Screening may not resume previously registered or licensed activities until:
 - 1. Control Screening has applied for and been issued a new registration or license under 10 CFR Part 30; and
 - 2. Control Screening has paid all debts to NRC, including the fee for any new registration.

The Chief Financial Officer may relax or rescind, in writing, any of the above conditions upon a showing by the registration holder and Licensee of a good cause. A request for modification of the above conditions shall be submitted to the Chief Financial Officer, with a copy to the Director, Office of Federal and State Materials and Environmental Programs (FSME), at U.S. Nuclear Regulatory Commission, FSME/DMSSA, Mailstop T8 E-24, Washington, D.C. 20555 in writing and under oath or affirmation and must be received within 30 days from the date of this Order.

IV

In accordance with 10 CFR 2.202, Control Screening must, and any other person adversely affected by this Order may, submit an answer to this Order, within 30 days of its issuance. In addition, Control Screening any other persons adversely affected by this Order may request a hearing on this Order within 30 days of its issuance.

Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Chief Financial Officer, and include a statement of good cause for the extension.

The answer shall be in writing and under oath or affirmation, and shall specifically admit or deny each allegation or charge made in this Order. The answer shall set forth the matters of fact and law on which the byproduct material registration holder or other person adversely affected relies and the reasons as to why this Order should not have been issued. Any answer shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555. Copies shall also be sent to the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Assistant General Counsel for Materials Litigation and Enforcement at the same address; Director, Office

of Federal and State Materials and Environmental Programs (FSME), at U.S. Nuclear Regulatory Commission, FSME/DMSSA, Mailstop T8 E-24, Washington, D.C. 20555; and to the holder of the SS&D registration if the answer is by a person other than the holder of the SS&D registration.

If a person other than Control Screening requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If Control Screening or a person whose interest is adversely affected requests a hearing, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

A request for hearing must be filed in accordance with the NRC E-Filing rule, which became effective on October 15, 2007. The NRC E-filing Final Rule was issued on August 28, 2007, (72 Fed. Reg. 49.139) and codified in pertinent part at 10 CFR Part 2, Subpart B. The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign

documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate also is available on NRC's public website at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory e-filing system may seek assistance through the "Contact Us" link located on the NRC website at <http://www/nrc.gov/site->

help/e-submittals.html or by calling the NRC electronic filing Help Desk, which is available between 8:00 a.m. and 8:00 p.m., Eastern Time, Monday through Friday, excluding government holidays. The toll-free help line number is (866) 672-7640. A person filing electronically may also seek assistance by sending an e-mail to the NRC electronic filing HelpDesk at MSHD.Resource@nrc.gov.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 C.F.R. 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at http://ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their works.

V

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, this Order shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Part III shall be final when the extension expires if a hearing request has not been received.

VI

In lieu of filing an answer to the Order, the holder of SS&D registration may pay the total amount specified below by mailing via certified mail a cashiers check. This amount must be received by the Office of the Chief Financial Officer within 30 days from the date of this Order. This Order is withdrawn if, within 30 days from the date of this Order, the Office of the Chief Financial Officer receives the total amount specified below:

Amount Due

| <u>Invoice Date</u> | <u>Invoice Number</u> | <u>Amount Billed</u> | <u>Late Charges Due</u> | <u>Amount Due</u> |
|---------------------|-----------------------|----------------------|-------------------------|--------------------|
| November 23, 2009 | AM2920-09 | \$14,700.00 | \$607.22 | <u>\$15,307.22</u> |
| | | | Total Amount: | \$15,307.22 |

The total amount listed above is a delinquent debt to the United States. Failure to pay the total amount within 30 days from the date of this Order may, pursuant to 10 CFR Part 15, result in referral of the delinquent debt to a collection agency, referral to the U.S. Department of Treasury or the U.S. Department of Justice for collection, or other action deemed appropriate and fit by the NRC.

Pursuant to 10 CFR 15.29, the Commission may not consider an application for registration from Control Screening unless all previous delinquent debts to the NRC, including the delinquent debt(s) identified in this Order, have been paid in full. In addition, failure to meet the requirements of this Order may subject the holder of SS&D registration and its agents to civil penalties and criminal sanctions.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

J. E. Dyer
Chief Financial Officer

Dated at Rockville, Maryland
This 30 day of March, 2010

CONTACT: Mona Williams, OCFO
(301) 415-7389

Pursuant to 10 CFR 15.29, the Commission may not consider an application for a license from the Licensee unless all previous delinquent debts of the Licensee to the NRC, including the delinquent debt(s) identified in this Order, have been paid in full. In addition, failure to meet the requirements of this Order may subject the Licensee and its agents to civil penalties and criminal sanctions.

FOR THE NUCLEAR REGULATORY COMMISSION

J.E. Dyer
Chief Financial Officer

Dated at Rockville, Maryland
this day of , 2010

CONTACT: Mona Williams, OCFO
(301) 415-7389

CERTIFIED RETURN RECEIPT REQUESTED

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| DATE | 03/23 /10 | | 03 / 26 /10 | | 01/ 27 / /10 | | 03 / 16 /10 | |
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