

NRC FORM 314 <small>(4-2009) 10 CFR 30.38(j)(1); 40.42(j)(1); 70.38(j)(1); and 72.54(k)(5)(1)(1)</small>	U.S. NUCLEAR REGULATORY COMMISSION	APPROVED BY OMB: NO. 3160-0028 <small>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 Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0026), 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.</small>	EXPIRES: 08/31/2010
CERTIFICATE OF DISPOSITION OF MATERIALS			

LICENSEE NAME AND ADDRESS <i>David E. Benton Benton Engineering</i> <i>550 Linden Dr. Paul Snarr</i> <i>Idaho Falls, ID 83401</i>	LICENSE NUMBER <i>LFB 11-0800</i>	DOCKET NUMBER <i>0 3032298</i>
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:

Kurt Roland (208) 757-7625
Eagle Rock Engineering
1881 Fremont Ave 301A Willow Ridge Dr
Idaho Falls, ID 83402 83406

b. Disposal of radioactive materials:

1. Directly by the licensee:

2. By licensed disposal site:

(208) 542-2665
NRC License number
11-29385-01
purchased 10/1/2010

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.

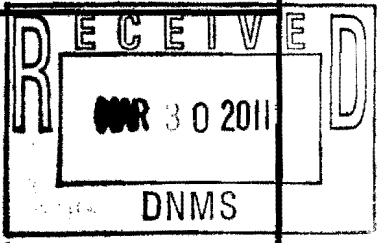
2. A copy of the radiation survey results:

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 <i>David E. Benton</i>	TITLE <i>P.E./L.S.</i>	TELEPHONE (Include Area Code) <i>208 529-5046</i>	E-MAIL ADDRESS <i>dooley.mr@msn.com</i>
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Mail all future correspondence regarding this license to:
1045 Sycinga Dr. Idaho Falls, ID 83401

C. CERTIFYING OFFICIAL

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

PRINTED NAME AND TITLE <i>David E. Benton P.E./L.S.</i>	SIGNATURE <i>David E. Benton</i>	DATE <i>3/30/2011</i>
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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.

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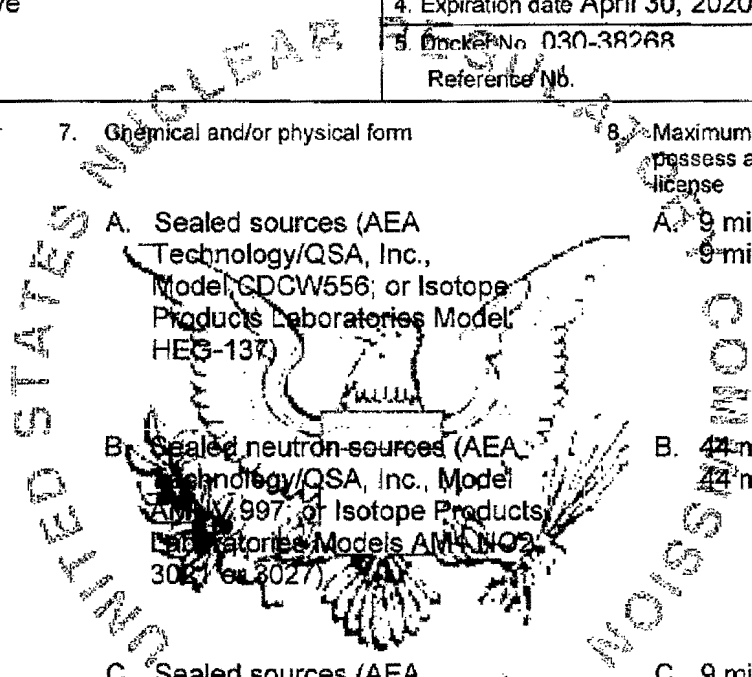
U.S. NUCLEAR REGULATORY COMMISSION

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	
1. Eagle Rock Engineering and Land Surveying, P.C.	3. License number 11-29385-01
2. 3811 Willow Ridge Drive Ammon, Idaho 83406	4. Expiration date April 30, 2020
	5. Tracker No. 030-38268 Reference No.

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Cesium-137	A. Sealed sources (AEA Technology/QSA, Inc., Model CDCW556; or Isotope Products Laboratories Model HEG-137)	A. 9 millicuries per source and 9 millicuries total.
B. Americium-241	B. Sealed neutron sources (AEA Technology/QSA, Inc., Model AMNV.997; or Isotope Products Laboratories Models AM1.NO2, 3021 or 3027)	B. 44 millicuries per source and 44 millicuries total.
C. Cesium-137	C. Sealed sources (AEA Technology/QSA, Inc., Model CDCW556; or Isotope Products Laboratories Model HEG-137)	C. 9 millicuries per source and 18 millicuries total.
D. Americium-241	D. Sealed neutron sources (AEA Technology/QSA, Inc., Model AMNV.997; or Isotope Products Laboratories Models AM1.NO2, 3021 or 3027)	D. 44 millicuries per source and 88 millicuries total.



**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
11-29385-01

Docket or Reference Number
030-38268

9. Authorized use:

- A. and B. To be used in a Troxler Electronic Laboratories Model 3400 Series portable gauging device for measuring physical properties of materials.
- C. and D. To be used in Troxler Electronic Laboratories Model 3411 portable gauging devices for measuring physical properties of materials.

10. Licensed material may be used or stored only at the licensee's facilities located at:

- A. 1331 Fremont Avenue, Idaho Falls, Idaho, and
- B. Temporary job sites anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States.

If the jurisdiction status of a Federal facility within an Agreement State is unknown, the licensee should contact the federal agency controlling the job site in question to determine whether the proposed job site is an area of exclusive Federal jurisdiction. Authorization for use of radioactive materials at job sites in Agreement States not under exclusive Federal jurisdiction shall be obtained from the appropriate state regulatory agency.

11. Licensed materials may be used by or under the supervision and in the physical presence of, individuals who have received the training described in the application dated March 22, 2010.

12. The Radiation Safety Officer (RSO) for this license is Heath J. Roland.

- 13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested and the test results received.
- C. 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 10 years without being tested for leakage and/or contamination.

NRC FORM 374A

U.S. NUCLEAR REGULATORY COMMISSION

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**MATERIALS LICENSE
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- D. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 612 East Lamar Blvd., Suite 400, Arlington, Texas 76011-4125, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
- F. Records of leak tests, results shall be kept in units of microcuries and shall be maintained for 3 years.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee except as specifically authorized.
15. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory, and shall include the following: quantities, manufacturer's name and model numbers, and the date of the inventory.
16. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Certificates of Registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
17. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.
18. Any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
19. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

NRC FORM 374A

U.S. NUCLEAR REGULATORY COMMISSION

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
11-29385-01

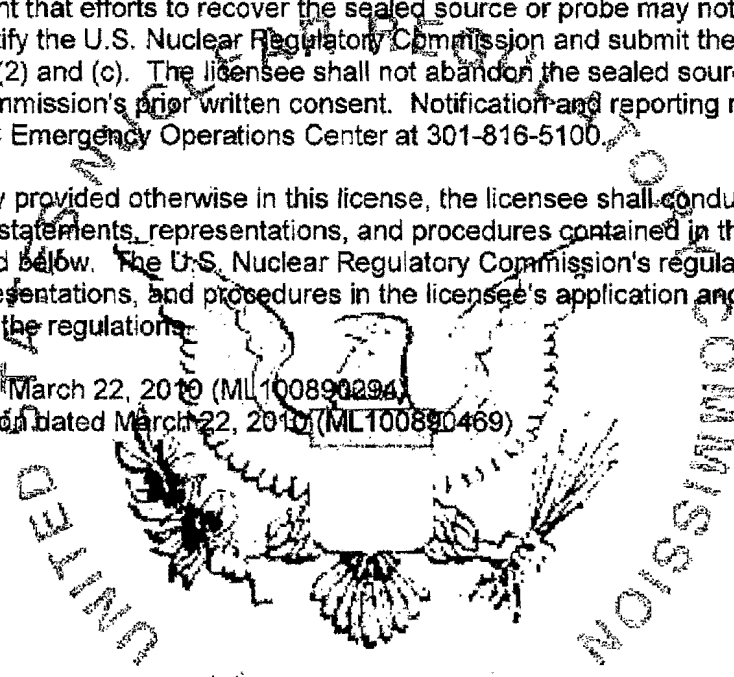
Docket or Reference Number
030-38268

20. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedures to ensure that the cased hole is free of obstruction before making measurements.

B. If a sealed source or a probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the U.S. Nuclear Regulatory Commission and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent. Notification and reporting requirements should be made to the NRC Emergency Operations Center at 301-816-5100.

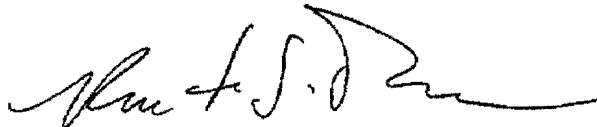
21. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- A. Application dated March 22, 2010 (ML100890294)
- B. Revised application dated March 22, 2010 (ML100890469)



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date April 5, 2010

By 

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Safety Branch B
Region IV
Arlington, Texas 76011-4125

March 30, 2011

To: Colleen Murnahan
Region Iv

From: David E. Benton
Benton Engineering
208 529-5046

6 pages Plus Cover Page = 7

Colleen, Please let us know if we need to send any additional information.
Thank you for your help

David E. Benton

This form serves as a certification used to identify a small entity, and is exempt from Office of Management and Budget clearance. 5 C.F.R. 1320.3(h)(1).

NRC FORM 526
 (10-2010)
 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
 FY 2011**

If you have **QUESTIONS**, e-mail them to: fees.resource@nrc.gov

**SEE IMPORTANT INSTRUCTIONS FOR NRC FORM 526 ON PAGE 2 – PLEASE READ CAREFULLY
 DO NOT COMPLETE OR RETURN THIS FORM IF YOU DO NOT QUALIFY AS A SMALL ENTITY**

NAME AND ADDRESS OF LICENSEE (as it appears on the invoice): <i>Benton Engineering 550 Linden Drive Idaho Falls, ID 83401</i>	INVOICE NUMBER <i>LFB 11-0800</i>	BUSINESS TELEPHONE NUMBER <i>208 522-8033</i>
EMAIL ADDRESS <i>CooleyMr@msn.com</i>	COMPANY WEBSITE ADDRESS www.	CONTACT TELEPHONE NUMBER <i>208 529-5046</i>
DOCKET NUMBER <i>03032298</i>		CONTACT NAME <i>David E. Benton</i>

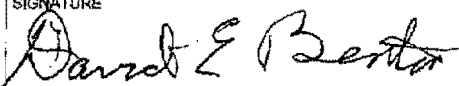
SIZE STANDARDS (Select one box below, and only one, under which the entity qualifies as a small entity). (Check only A or B in that box)	MAXIMUM ANNUAL FEE PER LICENSED CATEGORY (See Items 2 and 3 on back)
1. SMALL BUSINESS A for-profit concern that is not engaged in manufacturing with average gross receipts of \$6.5 million or less over its last 3 completed fiscal years. For further information see 1a and 1b of attached instructions.	<input type="checkbox"/> A. \$450,000 TO \$6,500,000 <input checked="" type="checkbox"/> B. LESS THAN \$450,000
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
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 \$6.5 million or less. For further information see 1a and 1b of attached instructions.	<input type="checkbox"/> A. \$450,000 TO \$6,500,000 <input type="checkbox"/> B. LESS THAN \$450,000
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 50,000 or less. For further information see 1f of attached instructions.	<input type="checkbox"/> A. 20,000 TO 50,000 POPULATION OF JURISDICTION <input type="checkbox"/> B. LESS THAN 20,000 POPULATION OF JURISDICTION
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

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 <i>David E. Benton</i>	SIGNATURE 	DATE <i>3/30/2011</i>
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M 1 2011

APR - 5 2011

This is to acknowledge the receipt of your letter/application dated 3/30/11, and to inform you that the initial processing, which includes an administrative review, has been performed.

DATE

There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify other omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within 90 days.

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 574811.
When calling to inquire about this action, please refer to this mail control number.
You may call me at (817) 860-8103.

Sincerely,

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03121
Status Code: Pending Termination
Fee Category: 3P
Exp. Date:
Fee Comments:
Decom Fin Assur Req: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: BENTON ENGINEERING
Received Date: 03/30/2011
Docket Number: 3032298
Mail Control Number: 574811
License Number: 11-27357-01
Action Type: Termination

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: _____

Carl L Heie

Date: _____

4/1/11

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment: _____

Renewal: _____

License: _____

3. OTHER _____

Signed: _____

Date: _____

March 30, 2011

To: Colleen Murnahan
Region Iv

From: David E. Benton
Benton Engineering
208 529-5046

6 pages Plus Cover Page = 7

Colleen, Please let us know if we need to send any additional information.
Thank you for your help

David E. Benton
