

CERTIFICATE OF DISPOSITION OF MATERIALS

Br. 3

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 Information Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to Infocollects.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

HERBERT & ASSOCIATES, LTD
P.O. Box 64758
VIRGINIA BEACH, VA 23464

LICENSE NUMBER

45-19271-01

DOCKET NUMBER

03017249

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:
VIRGINIA LICENSE NO. 710-343-1
- ☐ 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 710-343-1
- ☐ 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 John A. Herbert	TITLE PRESIDENT	TELEPHONE (Include Area Code) CBL 757-770-2060	E-MAIL ADDRESS NONE
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Mail all future correspondence regarding this license to:

SEE ABOVE

C. CERTIFYING OFFICIAL

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

PRINTED NAME AND TITLE

John A. Herbert, PRESIDENT

SIGNATURE

John A. Herbert

DATE

Aug 11, 2012

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.



COMMONWEALTH of VIRGINIA

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

July 20, 2010

Dear Radioactive Material Licensee

Enclosed is your amended Virginia Radioactive Material License. Effective March 31, 2009 the Commonwealth of Virginia became an Agreement State and assumed regulatory authority over radioactive material in Virginia. The Radioactive Materials Program has administratively amended your license. The enclosed license supersedes your previous U.S. Nuclear Regulatory Commission license, which is no longer valid.

Please read the license carefully as you will be responsible for its contents. Your operations will be subject to routine inspections by the agency for compliance with Chapter 481 'Virginia Radiation Protection Regulation' and the conditions of your license. These inspections may be unannounced or scheduled.

If you have any questions, feel free to contact me at 804-864-8168 or mike.welling@vdh.virginia.gov.

Sincerely,

A handwritten signature in black ink that reads 'Michael Welling'.

Michael Welling
Director Radioactive Materials Program
109 Governor Street, Room 730
Richmond, VA 23219



**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

RADIOACTIVE MATERIALS LICENSE

Under the Code of Virginia Section 32.1-229.3 and 12VAC5-481, Virginia Radiation Protection Regulations, and in reliance on statements and representations made by the licensee, a license is issued authorizing the licensee to receive, acquire, possess and transfer radioactive material designated below; to use the material for the purpose(s) and at the place(s) designated below; and to deliver or transfer the material to persons authorized to receive it in accordance with 12VAC5-481, Virginia Radiation Protection Regulations. This license is subject to all applicable rules and orders of the Virginia Department of Health now or hereafter in effect, and to any conditions specified below.

Licensee Name and Address		3. License No: 710-343-1	
1. Herbert & Associates, Ltd.		4. Amendment No.:	
2. P. O. Box 64758 Virginia Beach, Virginia 23464		5. Expiration Date: March 31, 2011	
6. Radioactive material	7. Chemical and/or physical form	8. Maximum amount of radioactive materials that the licensee may possess at any one time under this license:	9. Authorized Use:
A. Cesium-137	A. Sealed source	A. No single source to exceed the maximum amount listed on the Sealed Source and Device Registry (SSD); total not to exceed 27 millicuries.	A. and B.: For use in a Troxler Electronic Laboratories Models 3411 and 4640 portable gauging devices for measuring physical properties of material.
B. Americium-241	B. Sealed source	B. No single source to exceed the maximum amount listed on the Sealed Source and Device Registry (SSD); total not to exceed 88 millicuries.	

CONDITIONS

10. Licensed material shall be used and stored at the licensee's facilities located at 2110 E. Indian River Road, Norfolk, Virginia and may be used at temporary job sites of the licensee anywhere in Virginia where VDH maintains jurisdiction for regulating the use of licensed material.
11. The Radiation Safety Officer for this license is John A. Herbert.

RADIOACTIVE MATERIALS LICENSE

License Number: 710-343-1

Amendment No:

12. Licensed material shall only be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated February 1, 2006, have been instructed in licensee's operating and emergency procedures and approved in writing by the Radiation Safety Officer.
13. The licensee is authorized to transport licensed material in accordance with the provisions of Chapter 481, Part XIII, 'Transportation of Radioactive Material.'
14. Sealed sources containing licensed material shall not be opened or removed from their source holders by the licensee.
15. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the agency, to account for all sealed 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 radionuclides, quantities, manufacturer's name and model numbers, location, individual performing inventory and the date of the inventory.
16. The licensee shall maintain a utilization log where the portable gauge(s) are stored. The log shall contain the date(s) of use, temporary job site(s), serial number of the gauge, and the name(s) of the authorized user(s). Records of the utilization log shall be maintained for 5 years.
17. Any cleaning, maintenance, or repair of a gauge that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by VDH, the NRC or another Agreement State to perform such services.
18.
 - 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 procedure 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 agency and submit the report required by 12VAC5-481-1110. The licensee shall not abandon the sealed source or probe without obtaining the agency's prior written consent.
19. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 12VAC5-481-450 C for establishing decommissioning financial assurance.
20. Per 12VAC5-481-740, no sealed source shall be stored for a period of more than 5 years without being tested for leakage or contamination.

RADIOACTIVE MATERIALS LICENSE

License Number: 710-343-1

Amendment No:

21. Except for maintaining labeling as required by 12VAC5-481, Part IV or XIII, the licensee shall obtain authorization from the agency before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications in the respective Certificates of Registration issued either by the NRC or by an agreement state.
22. 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. Chapter 481 'Virginia Radiation Protection Regulations' shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the rule.

A. Application dated February 1, 2006.

FOR THE VIRGINIA DEPARTMENT OF HEALTH

Michael Wellington

SIGNATURE

DIRECTOR, RADIOACTIVE MATERIALS PROGRAM

7/20/10

DATE

P.O.

VIRGINIA BEACH, VA 23464



Justice
FOREVER

RICHMOND VA 232

SAT 11 AUG 2012 PM

NUCLEAR REGULATORY COMMISSION

Region 1

475 ALLENDALE ROAD

NUCL475 194062046 1512 06 08/16/12
NOTIFY SENDER OF NEW ADDRESS
:US NUCLEAR REGULATORY COMM
2100 RENAISSANCE BLVD STE 100
KNG OF PRUSSA PA 19406-2713

LVANIA 19406-1415



ATTN: MICHAEL REICHARD

This is to acknowledge the receipt of your letter (application) dated

8/11/12, and to inform you that the initial processing which includes an administrative review has been performed.



Termination (45-19271-01)
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.



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

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** 579019.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

NRC FORM 532 (RI)
(6-96)

Sincerely,
Licensing Assistance Team Leader