

VOID SHEET

TO: License Fee Management Branch

FROM: Region I

SUBJECT: VOIDED APPLICATION

Control Number: 115221

Applicant: Halter Testing Labs of Massachusetts

Date Voided: 2/16/93 (20-13722-01)

Reason for Void: Per 2/2/93 ltr we  
requested void of Amendment  
after review

Cynthia O'Daniel 2/16/93  
Signature Date

Attachment:  
Official Record Copy of  
Voided Action

FOR LFMB USE ONLY 240106

Final Review of VOID Completed:  
 Refund Authorized and processed  
 No Refund Due  
 Fee Exempt or Fee Not Required

Comments: Nov. 3<sup>rd</sup>  
3P  
45-201V  
After Review

Log completed  
Processed by: [Signature]

NOTE TO DMB:

THE ATTACHED DOCUMENTS ARE TO BE PROCESSED AS ONE MATERIALS  
LICENSING PACKAGE.

LICENSE NUMBER: 20-13722-01

DOCKET NUMBER: 030-04760

CONTROL NUMBER: 115221



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## The Haller Testing Laboratories of Massachusetts, Inc.

BOSTON AREA TEL (617) 235-9032  
WORCESTER AREA TEL (617) 366-0937  
508

P.O. BOX 301X 11A WALKUP DR. WESTBOROUGH, MASS. 01581  
1191

Mr. Duncan White  
United States Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, PA. 19406

February 2, 1993

Re: License Number 20-13722-01

Dear Mr. White,

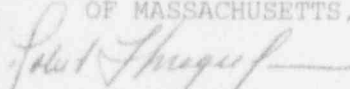
Confirming our telephone conversation of January 27, 1993, please DISREGARD our request to amend our license that was sent to you on August 6, 1991.

As discussed the Amendment fee submitted on August 6, 1991 is to be used for payment of our up coming ANNUAL FEE.

If you have any questions you may contact me at the above phone numbers.

Very truly yours,

THE HALLER TESTING LABORATORIES  
OF MASSACHUSETTS, INC.

  
Robert L. Magee, Jr.  
Vice President

"OFFICIAL RECORD COPY" ML 10

115221  
FEB 05 1993

<b>TELEPHONE CONVERSATION RECORD</b>	<b>Date:</b> 12/18/92	<b>Time:</b> 2:00 pm
<b>Mail Control No.:</b> 115221	<b>License :</b> 20-13722-01	<b>Docket No.:</b> 030-04760
<b>Person Called:</b> Robert Magee, Jr.	<b>Organization:</b> Haller Testing Labs	<b>Telephone Number:</b> (617) 235-9032
<b>Person Calling:</b> Duncan White		
<b>Subject:</b> License Amendment dated August 6, 1991		
<b>Summary:</b> The licensee is considering withdrawing his 1991 request for possession only due to the addition of an additional annual fee category for small companies in 1992. The licensee will be contacting HQ to resolve an outstanding fee question and then sent a letter to Region I outlining their intent with regard to the amendment action.		
<b>Action Required/Taken:</b> MS 15		
<b>Signature:</b> <i>Duncan White</i>	<b>Date:</b> 12/18/92	



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555

MS 20  
Q-4

DEC 9 1992

030-04760  
20-13722-01

MEMORANDUM FOR: Ronald R. Bellamy, Chief  
Nuclear Materials Safety Branch, RI

FROM: John E. Glenn, Chief  
Medical, Academic, and Commercial  
Use Safety Branch  
Division of Industrial and  
Medical Nuclear Safety, NMSS

SUBJECT: HALLER TESTING LABORATORIES OF MASSACHUSETTS, INCORPORATED  
POSSESSION-ONLY LICENSE (TECHNICAL ASSISTANCE REQUEST)

This references your memorandum dated July 6, 1992, requesting clarification concerning whether or not a possession-only license should be granted to Haller Testing Laboratory. In this case, the licensee has stated that the request was made to avoid the annual fee and that there are no plans to dispose of or transfer the licensed material.

The Office of the Controller has confirmed that 10 CFR Part 171 does not make a distinction between possession-only licenses where the licensee is unable to dispose of or transfer the licensed material and one where the licensee requests a "storage only" license to avoid the annual fee while making no effort to dispose of the material. Based on this understanding of the revised fee rule and the circumstances as described in your memorandum, Haller Testing Laboratory should be granted a possession-only license. However, Haller must be informed that while no annual fee is required, they are still responsible for any inspection or amendment fees.

We are concerned that licensees may use possession-only licenses to indefinitely delay disposal and decommissioning. A Policy & Guidance Directive is being prepared to address this issue and will include a draft cover letter to licensees outlining the responsibilities associated with a possession-only license. We also intend to build an inspection frequency of two years into the program code for possession-only licenses in an effort to detect and deter misuse of this type of license.

If you have any questions concerning this action or the proposed guidance, please feel free to contact Susan Greene, (301) 504-2686 or George Pangburn, Operations Branch, (301) 504-3422.

John E. Glenn, Chief  
Medical, Academic, and Commercial  
Use Safety Branch  
Division of Industrial and  
Medical Nuclear Safety, NMSS

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115221

DEC 10 1992

JUL 06 1992

License No. 20-13722-01  
Docket No. 030-04760  
Control No. 115221

MEMORANDUM FOR: John E. Glenn, Chief  
Medical, Academic, and Commercial Use Safety Branch  
Division of Industrial and Medical Nuclear Safety, NMSS

FROM: John D. Kinneman, Chief  
Site Decommissioning Management Program Task Force  
Nuclear Materials Safety Branch, DRSS, Region I

SUBJECT: HALLER TESTING LABORATORIES OF  
MASSACHUSETTS, INCORPORATED  
POSSESSION-ONLY LICENSE  
(TECHNICAL ASSISTANCE REQUEST)

Haller Testing Laboratories of Massachusetts, Inc. submitted an amendment request dated August 6, 1991 to amend their license for possession only in response to the implementation of the fee rule. Region I submitted a memorandum dated September 9, 1991 to the Materials License Fee Section verifying that the licensee's application was a valid request for a possession-only license. Therefore, the licensee has been exempted from the annual fee. A technical reviewer contacted the licensee on February 27, 1992 to confirm that licensed material had been placed in safe storage and to inquire regarding the status of the licensee's progress to dispose or transfer of the licensed material. In response, the licensee stated that he requested a possession-only license only for the purpose of avoiding the annual fee and that he had no plans to dispose or transfer the licensed material. The licensee referenced "Implementation of Fee-Rule-Termination, Possession Only and Downgrade Procedures" prepared by NMSS as justification for his request.

Region I management has instructed the licensing staff to approve requests for possession-only licenses resulting in no annual fees only if the licensee demonstrates complete inability to dispose or transfer the licensed material. Furthermore, Region I management has instructed the staff to inform licensees that requesting a possession-only license will not provide relief from the annual fee, unless it is not possible to dispose of the material. We understood that licensees who plan to keep their licensed material, even in storage, in anticipation of future use, continue to be subject to fees.

Region I requests that NMSS clarify whether a possession-only license should be granted under the circumstances described. Region I recommends that a possession-only license granted under the circumstance where the licensee makes no effort to dispose of the licensed

OFFICIAL RECORD COPY - S:\HALLER.DW - July 1, 1992

ML 10

Memorandum  
John E. Glenn

2

material and actually expects to use it again under authority of the license be subject to all applicable fees. Only licensees who are truly unable to dispose of all of their material (in other words, the fact that disposal is difficult or expensive should not be enough; there must be no available means of disposal) should be exempt from annual fees. We recommend that an additional program code be added to distinguish between the two types of possession-only licenses.

A proposed letter to the licensee reflecting this stance is attached.

*Original Signed By*  
*John D. Kinneman*

John D. Kinneman, Chief  
Site Decommissioning Management  
Program Task Force  
Division of Radiation Safety  
and Safeguards

Enclosures: 1. Letter from licensee to Region I dated August 6, 1992.  
2. Draft deficiency letter.

cc: G. Jackson, LFMB

*[Signature]*  
RLDRSS  
White/gc

07/1/92

*[Signature]*  
RLDRSS  
Kinneman

07/1/92



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# The Haller Testing Laboratories of Massachusetts, Inc.

POSTON AREA TEL (617) 235-9032  
WORCESTER AREA TEL (617) 366-0937  
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P.O. BOX 111A WALKUP DR. WESTBOROUGH, MASS. 01581  
1191

August 6, 1991

U.S. Nuclear Regulatory Commission Region I  
Nuclear Materials Safety Section "B"  
475 Allendale Road  
King of Prussia, PA. 19406

Re: Amendment to "POSSESSION ONLY"  
License Number: 20-13722-01  
Docket/Reference No. 030-04760

Dear Sir/Madam:

Relative to the above license we request an AMENDMENT to "POSSESSION ONLY", based on the Draft (prepared by John Hickey, NMSS) entitled "Implementation of Fee Rule-Termination, Possession Only, and Downgrade Procedures".

This is a written request to permanent conversion to a possession only license. All licensed operations will cease prior to September 30, 1991, and sealed sources will be placed in safe storage. No decontamination is necessary.

If you have any questions you may contact the undersigned at (617) 235-9032 concerning this license amendment.

Very truly yours,

THE HALLER TESTING LABORATORIES  
OF MASSACHUSETTS, INC.

Robert L. Magee, Jr.  
Vice President

KLM/kkb

Certified Return Receipt  
Amendment Fee Attached  
1C of 10 CFR 170, Sec. 170.31

CC: Debt Collection Branch  
Office of The Controller

*Nov 3*  
3754  
1300  
3P  
AMD  
11/4/91  
SK

*postmarked 8/6/91*

115221

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ML 10

AUG 09 1991





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

**DRAFT**

License No. 20-13722-01  
Docket No. 030-04760  
Control No. 115221

Haller Testing Laboratories  
of Massachusetts, Inc.  
ATTN: Robert L. Magee, Jr.  
Vice President  
11A Walkup Drive  
P.O. Box 381  
Westborough, Massachusetts 01581

Dear Mr. Magee:

In an August 6, 1991 letter, you requested that the above license be amended to permit possession only of licensed material in response to revisions in the NRC fee rules (10 CFR 170 and 171). The purpose of this request was to avoid assessment of the annual fee now required by 10 CFR 171. A request for a possession-only license will only be granted if the licensee can demonstrate the inability to properly transfer or dispose of all licensed material. It was never the NRC's intention to permit licensees to amend their license for the purpose of avoiding the annual fee, while retaining the licensed material.

Please inform this office of your desired course of action regarding your amendment request. Your options are as follows:

- a) Withdraw your amendment request. You will be permitted to use licensed material as authorized by your most recently issued license amendment. You will be subject to the licensing, inspection and annual fees outlined in 10 CFR 170 and 171.
- b) Request that your license be amended for storage or possession only. The NRC will act on this request. You will have to place licensed material in safe storage. If you wish to use licensed material in the future, your license will need to be amended at that time. You will be subject to the licensing, inspection and annual fees in 10 CFR 170 and 171.

**DRAFT**

**DRAFT**

- c) Request that your license be terminated. You will have to properly dispose or transfer all of your licensed material and submit a NRC Form 314 with supporting documentation. There is no fee to terminate your license and you will not be subject to future fees.
  
- d) If you make appropriate efforts and find it impossible to dispose of the licensed material in your possession, provide a full description of the efforts made and the reasons why the material cannot be disposed, and we will consider issuing a possession-only license which is not subject to the annual fee in 10 CFR 171.

We will continue our review of your request upon receipt of this information. Please reply in duplicate to my attention at the Region I office and refer to Mail Control No. 115221. The reviewer for this licensing action is Duncan White. If you have any technical questions regarding this letter please call the reviewer at 215-337-5042.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application. If you do not pursue your application, your license will again be subject to the required annual fee.

Sincerely,

Paul D. Swetland, Chief  
Industrial Applications Section  
Division of Radiation Safety  
and Safeguards

Enclosures:

- 1. 10 CFR Part 170
- 2. 10 CFR 171
- 3. Form NRC 314

**DRAFT**

# CONVERSATION RECORD

TIME 4:00

DATE 2-27-92

TYPE

VISIT

CONFERENCE

TELEPHONE

INCOMING

OUTGOING

ROUTING

NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

*L. Magee*

ORGANIZATION (Office, dept., bureau, etc.)

*Heller Testing*

TELEPHONE NO:

*617-235-9032*

SUBJECT

*Request for Amendment for Storage Only*

SUMMARY

*Mr. Magee indicated that he would like a letter from RL/NPC stating that we are ~~refusing~~ not approving his request. He would like a letter denying his request and outlining his options (pay the annual fee or terminate).*

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

*Duncan White*

DATE

*2-27-92*

ACTION TAKEN

SIGNATURE

TITLE

DATE



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

MEMORANDUM FOR: Glenda Jackson, Chief  
Materials License Fee Section  
License Fee and Debt Collection Branch  
DAF/OC

FROM: Sheryl Villar, Chief  
Licensing Assistance Section  
Nuclear Materials Safety Branch  
Division of Radiation Safety and Safeguards, Region I

SUBJECT: DOCUMENTATION OF "POSSESSION ONLY" REQUESTS

The attached application is a valid request for a possession only or storage only license. The licensee filed the application before August 9, 1991, intends to permanently cease all licensed operations by September 30, 1991, and will dispose of all radioactive material to the extent practicable and place any remaining sealed sources and packaged material in safe storage by September 30, 1991.

Licensee: Shuler Festing Ltd.  
License No. 22-5722-01  
Application date: 08/06/91  
Control No. 15221  
Invoice No. \_\_\_\_\_  
(If known)

Signature: Joe D. Kenin  
(Section Chief)

Date: 9/9/91

030-04760



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P.O. BOX 1191, 11A WALKUP DR., WESTBOROUGH, MASS. 01581  
1191

August 6, 1991

U.S. Nuclear Regulatory Commission Region I  
Nuclear Materials Safety Section "B"  
475 Allendale Road  
King of Prussia, PA. 19406

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License Number: 20-13722-01  
Docket/Reference No. 030-04760

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Very truly yours,

THE HALLER TESTING LABORATORIES  
OF MASSACHUSETTS, INC.

Robert L. Magee, Jr.  
Vice President

RLM/kkb

Certified Return Receipt  
Amendment Fee Attached  
1C of 10 CFR 170, Sec. 170.31

CC: Debt Collection Branch  
Office of The Controller

Log	Rec 3
Remitter	
Check No.	3754
Amount	\$300
Fee Category	SP
Type of Fee	AMD
Date Check Rec'd.	
Date Completed	11/4/91
By	AK

postmarked 8/6/91

115221

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ML 10

AUG 09 1991

(FOR LFMS USE)  
INFORMATION FROM LTS  
-----

BETWEEN:

LICENSE FEE MANAGEMENT BRANCH, ARM  
AND  
REGIONAL LICENSING SECTIONS

PROGRAM CODE: 03121  
STATUS CODE: 0  
FEE CATEGORY: 3P  
EXP. DATE: 19960731  
FEE COMMENTS: -----

LICENSE FEE TRANSMITTAL

1. REGION

1. APPLICATION ATTACHED

APPLICANT/LICENSEE: HALLER TESTING LABS. OF MA  
RECEIVED DATE: 910806  
DOCKET NO: 3004760  
CONTROL NO.: 115221  
LICENSE NO.: 20-13722-01  
ACTION TYPE: AMENDMENT

2. FEE ATTACHED

AMOUNT: \$300.00  
CHECK NO.: 3754

3. COMMENTS

SIGNED \_\_\_\_\_  
DATE 3/26/94

8. LICENSE FEE MANAGEMENT BRANCH (CHECK WHEN MILESTONE 03 IS ENTERED 1-1)

1. FEE CATEGORY AND AMOUNT: 3P \$ 300

2. CORRECT FEE PAID. APPLICATION MAY BE PROCESSED FOR:  
AMENDMENT  -----  
RENEWAL -----  
LICENSE -----

3. OTHER -----  
-----

SIGNED \_\_\_\_\_  
DATE 4/8/94