

SEUBERT EXCAVATORS, INC.

P.O. Box 57
COTTONWOOD, IDAHO 83522-0057

FAX 208-962-3392
A/C 208-962-3314

October 6, 1992

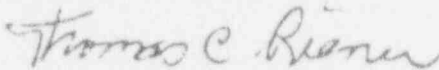
Attn: Jacqueline D. Burks
Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Re: License No. IDA-263
Mail Control No. 464367

Dear Ms. Burks,

Per our phone conversation this morning, we transferred our nuclear guage to W.W. Engineering on July 25, 1991.

Sincerely Yours,


Thomas C. Riener
Office Manager

bh

NRC FORM 314
8-92
10 CFR 20.38(m)(1)(iv)
10 CFR 40.42(m)(1)(iv)
10 CFR 70.38(k)(1)

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3160-0028
EXPIRES: 05/31/95

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 30 MINUTES. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORDS MANAGEMENT BRANCH (RM/BB 7716, U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20545-0001, AND TO THE PAPERWORK REDUCTION PROJECT (D50-0078), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

CERTIFICATE OF DISPOSITION OF MATERIALS

INSTRUCTIONS: ALL ITEMS MUST BE COMPLETED - PRINT OR TYPE.
SEND THE COMPLETED CERTIFICATE TO THE NRC OFFICE SPECIFIED ON THE REVERSE.

LICENSEE NAME AND ADDRESS

Seibert Excavators, Inc.
PO Box 57
Cottonwood, Idaho 83522

LICENSE NUMBER

IDA-263

LICENSE EXPIRATION DATE

A. MATERIALS DATA (Check one and complete as necessary)

THE LICENSEE OR ANY INDIVIDUAL EXECUTING THIS CERTIFICATE ON BEHALF OF THE LICENSEE CERTIFIES THAT:
(Check and/or complete the appropriate item(s) below.)

1. NO MATERIALS HAVE EVER BEEN PROCURED OR POSSESSED BY THE LICENSEE UNDER THIS LICENSE.
- OR
2. ALL MATERIALS PROCURED AND/OR POSSESSED BY THE LICENSEE UNDER THE LICENSE NUMBER CITED ABOVE HAVE BEEN DISPOSED OF IN THE FOLLOWING MANNER. (If additional space is needed, use the reverse side or provide attachments.)
(Describe specific material transfer actions and, if there were radioactive wastes generated in terminating the license, the disposal actions including the disposition of low level radioactive waste, mixed waste, Greater than Class-C waste, and sealed source, if applicable.)

05/92

For transfers, specify the date of the transfer, the name of the licensed recipient, and the recipient's NRC license number or 7 recipient State name and license number.

Wilsons Water & Sewer Engineering
Studio of Washington License # WN-10404-1

If materials were disposed of directly by the licensee rather than transferred to another licensee, licensed disposal site or waste contractor, describe the specific disposal procedure (e.g., decay in storage).

10/07/92: Transfer occurred approximately 7-25-91 per telecon w/ Tom Reiner.

B. OTHER DATA

1. OUR LICENSE HAS NOT YET EXPIRED. PLEASE TERMINATE IT.
2. WAS A RADIATION SURVEY CONDUCTED TO CONFIRM THE ABSENCE OF LICENSED RADIOACTIVE MATERIALS AND TO DETERMINE WHETHER ANY CONTAMINATION REMAINS ON THE PREMISES COVERED BY THE LICENSE? (Check one)
- NO (Attach explanation)
- YES, THE RESULTS (Check one)
- ARE ATTACHED, or
- WERE FORWARDED TO NRC ON (Date)

3. THE PERSON TO BE CONTACTED REGARDING THE INFORMATION PROVIDED ON THIS FORM

NAME
Tom Reiner

TELEPHONE NUMBER (Include Area Code)

(208) 962-3314

4. MAIL ALL FUTURE CORRESPONDENCE REGARDING THIS LICENSE TO

SAME AS ABOVE

CERTIFYING OFFICIAL

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

PRINTED NAME AND TITLE

Thomas C. Reiner

SIGNATURE

Thomas C. Reiner

DATE

9-29-92

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 RESPECTS. 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.

9212100001

NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

OCT 14 1992



Seubert Excavators, Inc.
ATTN: Thomas C. Reiner
P.O. Box 57
Cottonwood, Idaho 83522

Gentlemen:

Please find enclosed Amendment No. 07, terminating your NRC materials license as requested in NRC Form 314, dated September 29, 1992.

After discussion in several telephone conversations with you, it was determined that transfer of gauges to Warren Watts occurred before he was issued a radioactive materials license by the state of Washington on September 11, 1992. Such an indirect transfer without the prior written consent of the Nuclear Regulatory Commission (NRC) is in violation of NRC regulation 10 CFR 30.34(b), which states:

(b) No license is issued or granted pursuant to the regulations in this part and Parts 31 through 35, and 39 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Specifically, the license was transferred without providing NRC an opportunity to determine whether the transfer was in accordance with the provisions of the Atomic Energy Act of 1954 and to consent to the transfer. However, as permitted by 10 CFR 2, Appendix C, Section V.G., we are exercising our discretion not to issue a Notice of Violation. Therefore, no response to this letter is necessary.

This letter will remain in your file and will be considered should you resume licensed activities in the future.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at (817) 860-8100.

Sincerely,

Original Signed By
Jacqueline D. Burks
William L. Fisher, Chief
Nuclear Materials Licensing Section

Enclosure:
As stated

ORIGINAL SENT TO
DCS 10/92

4212080281