

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
A.P.E.C. Limited  
Kalamazoo, Michigan

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Docket No. 030- 31510  
License No. 21-26130-01  
EA 94-242

NOTICE OF TERMINATION OF LICENSE

I

A.P.E.C. Limited (Licensee) holds Byproduct Materials License No. 21-26130-01, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The License authorized the possession and use of byproduct material in the form of hydrogen-3 foil sources for a portable gas chromatograph for vapor detection in accordance with the conditions specified therein. The License was originally issued on March 13, 1990, and was due to expire on March 13, 1995.

II

On October 23, 1992, the NRC issued an Order Revoking License (Order) to the Licensee for its failure to pay the annual fee, which was due on August 9, 1991, for the License for Fiscal Year 1991. The Order stated that the Commission sent an invoice dated August 9, 1991, to the Licensee requesting payment of the annual fee within 30 days. The NRC sent a second payment notice dated September 10, 1991. The Commission sent a third notice of payment due, together with a Notice of Delinquent Debt, to the Licensee on October 8, 1991. The third notice informed the Licensee that "nonpayment of your fee may result in revocation of your License in accordance with the enforcement provisions of the Commission's regulations," namely, 10 CFR 171.23. The Order, which was based on the Licensee's failure to pay

the License annual fee, a violation of 10 CFR 171.16, ordered, in part, that: (1) as of November 23, 1992, the License is revoked, except that it continues in effect with respect to residual byproduct material present as contamination or in other form until the Commission notifies in writing that the License is terminated; (2) as of November 23, 1992, and until the Commission notifies the Licensee in writing that the License is terminated, the Licensee shall limit actions involving byproduct material to decommissioning and continue to control entry to restricted areas; (3) the Licensee dispose of any byproduct material acquired or possessed under the License by December 23, 1992, (4) within 5 days of after disposal of the material, the Licensee notify the NRC; and (5) by November 23, 1992, the Licensee conduct a radiation survey of the premises where byproduct material was used, as set forth in 10 CFR 30.36(c)(1)(v).

On June 24 and December 1, 1994 the NRC issued letters which reminded the Licensee that it was in continuous noncompliance with NRC requirements because of its possession of byproduct material with a revoked NRC license, a violation of 10 CFR 30.3, and that it must transfer the byproduct material to an authorized recipient. The June 24, 1994 letter informed the Licensee that if it was unable to transfer the material to an authorized recipient within 30 days of the date of that letter, that it inform the NRC, in writing, of the reason why it was unable to do so.

The Licensee was contacted on January 4, 1995, by the NRC Region III staff to determine the disposition of the byproduct material. During the telephone conversation the president of A.P.E.C., Limited stated that the NRC-licensed


material was returned to the manufacturer of the gas chromatograph.

On January 3, 1995, the Licensee transferred the byproduct material to Sentex Systems, Inc. of Ridgefield, New Jersey, an authorized recipient. Further, on January 5, 1995, the Licensee submitted NRC Form 314, "Certification of Disposition of Materials," to NRC Region III documenting the Licensee's transfer of the byproduct material. By letter dated January 19, 1995, Sentex Systems, Inc. informed NRC Region III that the transfer of the byproduct material occurred as stated on the submitted NRC Form 314.

III

Accordingly, given the Licensee's failure to pay the annual fee for the Licensee, the Licensee's transfer of the byproduct material in accordance with the Order Revoking License, and the Licensee's submission of NRC Form 314 requesting termination of the license, License No. 21-26130-01 is hereby terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Cynthia D. Pederson, Director  
Division of Radiation Safety  
and Safeguards

Dated at Lisle, Illinois  
this 12<sup>th</sup> day of April 1995