

DL-042999_01

Sergeant's Pet Products

Fax

To: Mr. Wade Loo / US NRC, Region II From: Bill Washburn

From: 404-562-4888 Pages: 8

Phone: Date: 4/29/99

Re: Termination of ConAgra's License CC: Steve Palmer / Sergeant's

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Mr. Loo:

Please review the attached documents. We realize the proper procedures were not followed in terminating this license and wish to comply fully with the requirements of the license.

As indicated in the attached paperwork, a radiation survey was not and has not been conducted at the old ConAgra plant. Should this be necessary to fulfill the obligations of the license please advise.

If you see anything else in the attached paperwork that needs clarification please let me know.

Bill Washburn



**Pat Products, Inc.
Regulatory Affairs/Consumer Services**

April 28, 1999

**Mr. Wade Loo
Materials Licensing/ Inspection Branch 1
Division of Nuclear Materials Safety
Nuclear Regulatory Commission, Region II
61 Forsyth Street, SW, Suite 23T85
Atlanta, GA 30303-3415**

Subject: Transfer or Termination of NRC License

Dear Mr. Loo:

Thank you for your assistance in straightening out our mess. As you are aware my request to terminate the license previously held by Sergeant's was submitted on November 5, 1998.

In investigating the disappearance of the licensed equipment I found the following:

The piece of equipment in question was sold at auction in Richmond, Virginia to Mr. John Mendez with Medical Excess located at 330 Allegheny in Lynchburg, Virginia. (telephone number 804-845-4570).

Mr. Mendez resold the piece of equipment to Mr. Greg Hudson with Enviro Compliance Labs located at 10357 Old Keaton Road in Glen Allen, Virginia. (telephone number 840-550-3971) Mr. Hudson informed me that he did not have a specific license, but did have a general license for several pieces of equipment through Hewlett-Packard.

At your suggestion I contacted David Bennett with Hewlett Packard. Mr. Bennett appeared to be relieved that I knew where the missing piece of equipment was located. Mr. Bennett called Greg Hudson to make sure it was the licensed piece of equipment. Mr. Bennett said he would obtain the piece of equipment and assist in transferring the license from a specific to a general license. Mr. Bennett indicated that he would contact me by fax when he picks up the piece of equipment.

Mr. Wade Loo
Nuclear Regulatory Commission
April 28, 1999
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I will keep you posted on the activities surrounding the movement and re-licensing of this piece of equipment as I receive the information. If there is anything else I need to do, please do not hesitate to give me a call.

Sincerely,



Bill Washburn
Product Development &
Regulatory Affairs Manager

Cc: Steve Palmer, Sergeant's / Omaha
David Bennett, Hewlett Packard

Enclosure

USNRC REGION II - MATERIALS LICENSING/INSPECTION BRANCHES FAX: 404/562-4955; VERIFY: 404/562-4723.

U.S. NUCLEAR REGULATORY COMMISSION

CERTIFICATE OF DISPOSITION OF MATERIALS

INSTRUCTIONS: ALL ITEMS MUST BE COMPLETED - PRINT OR TYPE

APPROVED BY NRC: NO. 0000-0000

CON AGRA PET PRODUCTS
225B DARBYTOWNS ROAD
RICHMOND VA 23231

45-25104-01

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

THE LICENSEE OR ANY INDIVIDUAL DEPOSITING THIS CERTIFICATE ON BEHALF OF THE LICENSEE CERTIFIES THAT:

(Check and/or complete the appropriate boxes below.)

1. NO MATERIALS HAVE EVER BEEN PROCURED OR POSSESSED BY THE LICENSEE UNDER THIS LICENSE.

2. ALL ACTIVITIES AUTHORIZED BY THE LICENSE HAVE CEASED AND 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 is no radioactive waste generated in terminating this license, the disposal actions including the disposition of low-level radioactive waste, mixed waste, Greater-Than-Class-C waste, and sealed sources, if applicable.

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

See the attached explanation

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).

B. OTHER DATA

1. OUR LICENSE HAS NOT YET EXPIRED; PLEASE TERMINATE IT.

2. A RADIATION SURVEY WAS CONDUCTED BY THE LICENSEE TO CONFIRM THE ABSENCE OF LICENSED RADIOACTIVE MATERIALS AND TO DETERMINE WHETHER ANY CONTAMINATION REMAINS ON THE PREMISES COVERED BY THE LICENSE.

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

Bill Washburn

901-362-1950

4. MAIL ALL FUTURE CORRESPONDENCE REGARDING THIS LICENSE TO

CERTIFYING OFFICIAL

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

Product Development & Regulatory Affairs Mgr.

Bill Washburn

Bill Washburn

4-28-99

WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. THE 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 JURISDICTIONS.

**CERTIFICATE OF DISPOSITION OF MATERIALS
A. MATERIALS DATA - EXPLANATION**

Page 1

The ConAgra Facility located at 2258 Darbytown Road in Richmond, Virginia ceased all operations in the Spring of 1988. The people who performed the duties as regulatory managers were laid off and some of the equipment was relocated to Speer Products in Memphis, Tennessee.

A notice for payment of a license fee was forwarded to Memphis. I began checking and it was revealed to me by the Sergeant's corporate office in Omaha, Nebraska that they indeed had been a licensed facility due to a piece of lab equipment that required the license. Upon further investigation it was revealed that this piece of equipment did not get moved to Memphis, but was sold at auction in Richmond.

On November 5, 1988, I notified the NRC of Sergeant's desire to terminate the license and pay a prorated fee. By way of fax, Ms. Rita Messier notified me that Sergeant's was responsible for the full fee and I had to notify the Agency of our desire to terminate before March 31, 1989.

I was later contacted by phone and told that this was not correct. That by submitting the letter I had effected the termination and a prorated invoice for 1988 would be sent to the corporate office in Omaha. This prorated invoice was sent from Omaha to my attention. It was promptly paid.

Mr. Wade Loo then contacted me on or about March 12, 1989. Mr. Loo informed me that the proper procedure for selling the licensed piece of equipment had not been followed. I immediately began trying to track down the piece of equipment. I talked to Steve Palmer, VP of Operations for Sergeant's, (telephone number 402-565-7080) who informed me of the auction company responsible for selling all of the plant equipment.

The piece of equipment in question was sold at auction in Richmond, Virginia to Mr. John Mendez with Medical Excess located at 330 Allegheny in Lynchburg, Virginia. (telephone number 804-845-4570).

**CERTIFICATE OF DISPOSITION OF MATERIALS
A. MATERIALS DATA - EXPLANATION**

Page 2

Mr. Mendez resold the piece of equipment to Mr. Greg Hudson with Enviro Compliance Labs located at 10357 Old Keaton Road in Glan Allen, Virginia. (telephone number 840-550-3971) Mr. Hudson informed me that he did not have a specific license, but did have a general license for several pieces of equipment through Hewlett-Packard.

At Mr. Loo's suggestion I contacted David Bennett with Hewlett Packard (telephone number 302-633-8263). Mr. Bennett appeared to be relieved that I knew where the missing piece of equipment was located. Mr. Bennett called Greg Hudson to make sure it was the licensed piece of equipment. Mr. Bennett said he would obtain the piece of equipment and assist in transferring the license from a specific to a general license. Mr. Bennett indicated that he would contact me by fax when he picks up the piece of equipment.

A radiation survey was not conducted to check for radioactive contamination at the time the plant was closed.. Should this be necessary, contact Bill Washburn at Speer Products (telephone number 901-362-1950)