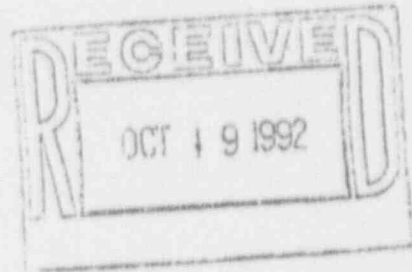


UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

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 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,

William L. Fisher

William L. Fisher, Chief
Nuclear Materials Licensing Section

Enclosure:
As stated

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PDR ADOCK 03032288
C PDR